



City of South Lake Tahoe City Council Meeting Agenda

Tuesday, June 23, 2020 at 9:00 AM

**City Hall - Council Chambers - 1901 Lisa Maloff Way, South Lake Tahoe
Pursuant to the Governor's Executive Order N-29-20**

**City Council may participate via video/teleconference and the public may
participate via email or telephone only.**

See below for zoom and live stream instructions.

City Council

Jason Collin, Mayor
Tamara Wallace, Mayor Pro Tem
Cody Bass, Councilmember
Brooke Laine, Councilmember
Devin Middlebrook, Councilmember

Mission of the City Council

The City Council exists to represent the public interest, to oversee the City's operations and to plan for the City's future.

Public Participation

A public agenda packet is available for review on the City's Website at www.cityofslt.us or by contacting the City Clerk's Office, (530) 542-6005.

In accordance with Executive Order N-29-20, remote public participation is allowed in the following ways:

City Council meetings are live-streamed on Channel 21 and on the City's website at www.cityofslt.us. To join the City Council meeting use this link <https://zoom.us/j/92529967870>

If you are joining the meeting via zoom and would like to make a comment, press the "raise a hand" button. If you are joining the meeting via Channel 21 or live stream please call (530) 542-6500. The meeting ID is 925 2996 7870, press *9 to indicate a desire to make a comment. The Clerk will call you by the last three digits of your phone number when it is your turn to speak.

Public comment may be submitted by EMAIL with the subject line PUBLIC COMMENT ITEM # (insert item number) to PublicComment@cityofslt.us during the meeting, prior to the close of public comment on an item, and read into the record during public comment.

EMAIL public comment received prior to the meeting will be distributed to City Council and referenced during the meeting. Any writings or documents provided to a majority of the City Council regarding any open session item on this agenda will be made available for public inspection within the Agenda posted on the City's Website at www.cityofslt.us.

Every reasonable effort will be made to accommodate any person needing special assistance to participate in this meeting. Contact the City Clerk at (530) 542-6005 in advance of the meeting for assistance [28 CFR 35.102.35.104 ADA Title II and Brown Act Government Code Sections 54953.2, 54954.1, 54954.2, and 54957.5].

Call to Order/Pledge of Allegiance

Roll Call

Closed Session Report

Public Communications

This is the public's opportunity to speak on any topic NOT LISTED on this agenda. Comments shall be limited to four (4) minutes. In accordance with the Brown Act, the City Council cannot deliberate or vote on any matter raised under public communications, but may briefly respond to statements made or questions posed. (Government Code Sections 54954.2)

City Commission Reports

Consent Agenda

Public Comment - This is the public's opportunity to speak on any topic listed on the Consent Agenda. Comments shall be limited to three (3) minutes.

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilmember may have an item on the consent agenda removed and considered separately upon request.

Pass a Motion to adopt the Consent Agenda in one motion except as indicated at each item.

1. City Council Meeting Minutes
Requested Action / Suggested Motions: Pass a Motion to approve the June 9, 2020 City Council and South Tahoe Redevelopment Successor Agency meeting minutes.
Responsible Staff Member: Susan Blankenship, City Clerk
[Item 1 - Executive Summary.pdf](#)
[06 09 2020 City Council, STRSA Minutes.pdf](#)
2. Flag Protocol Policy
Requested Action / Suggested Motions: Pass a Resolution amending City of South Lake Tahoe Flag Protocol Policy for lowering of the American Flag over City facilities.
Responsible Staff Member: Mark Gibbs, Airport Director
[Item 2 - Executive Summary.pdf](#)
[01-Staff Report - Flag Protocol Policy](#)
[02-Resolution - Flag Protocol Policy](#)
[03-Flag Protocol Policy.docx](#)
[04 - Attachment 1-Guidelines for Displaying US Flag.pdf](#)
3. Ordinance Amending Sign Regulations (Second Reading)
Requested Action / Suggested Motions: Pass an Ordinance repealing and replacing Title 6, Chapter 6.40 of the South Lake Tahoe City Code, related to signs and advertising structures.
Responsible Staff Member: Heather Stroud, City Attorney
[Item 3 - Executive Summary.pdf](#)

[01 - Staff Report](#)
[02 - Ordinance](#)
[03-Proof of Publication](#)

4. Water Efficient Landscape Ordinance (Second Reading)
Requested Action / Suggested Motions: Pass an Ordinance amending Title 6, Chapters 6.10.150 and 6.10.170 and adding Title 6, Chapter 6.80 of the South Lake Tahoe City Code, Water Efficient Landscape Ordinance.
Responsible Staff Member: John Hitchcock, Planning Manager
[Item 4 - Executive Summary.pdf](#)
[01-Staff Report Water-Efficient Landscape](#)
[02-Ordinance](#)
[03-Proof of Publication](#)
5. Position Reclassification and Amendment to Salary Table
Requested Action / Suggested Motions: Pass a Resolution approving reclassification of Management Analyst – Administrative Services to Executive Assistant to the City Manager and Change to Salary Table.
Responsible Staff Member: Tom Stuart, Human Resource Manager

[Item 5 - Executive Summary.pdf](#)
[01-Staff Report Management Analyst - CM Reclass.docx](#)
[02-Resolution Reclassification Management Analyst](#)
[03-Salary Table](#)
[04-Allocated Positions.pdf](#)
6. Revised City Council Protocols
Requested Action / Suggested Motions: Pass a Motion approving revisions to City Council Protocols.
Responsible Staff Member: Susan Blankenship, City Clerk
[Item 6 - Executive Summary.pdf](#)
[01-Staff Report Protocols.docx](#)
[02-Protocols Red Line.pdf](#)
[03-Protocols Clean.docx](#)
[04-Res 2020-055 Revised 2020 City Council Meeting Schedule.pdf](#)

Unfinished Business

7. COVID-19 Update
Requested Action / Suggested Motions: Receive and file.
[Item 7 - Executive Summary.pdf](#)
[COVID -19 Staff Report.docx](#)

Regular-New Business

8. Confirmation of Emergency Order No. 4 Related to Fees for Shared Mobility Devices
Requested Action / Suggested Motions: Pass a Resolution confirming Emergency Order No. 4 of the Director of Emergency Services.

Responsible Staff Member: Beverly A. Roxas, Assistant City Attorney

[Item 8 - Executive Summary.pdf](#)

[01 - Staff Report Confirming Emergency Order No. 4.docx](#)

[02-Resolution Confirming Emergency Order No. 4.docx](#)

[03 - Emergency Order No. 4 \(Exh. A to Resolution\)](#)

9. Dig Once Policy for City Rights-of-Way

Requested Action / Suggested Motions: Pass a Resolution adopting City of South Lake Tahoe Policy Document Regarding Dig Once in Public Rights-of-Way.

Responsible Staff Member: Ray Jarvis, Director of Public Works

[Item 9 - Executive Summary.pdf](#)

[01-Staff Report - Dig Once Policy](#)

[03-Dig Once Policy](#)

[02-Resolution Dig Once Policy](#)

Public Communications

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Agenda Planning Calendar

10. Agenda Planning Calendar

Requested Action / Suggested Motions: Identify, with consent of at least two Council members, any desired future agenda items, and/or modify the Agenda Planning Calendar as desired.

Responsible Staff Member: Joe Irvin, City Manager

[Item 10 - Executive Summary.pdf](#)

[APC - June 18, 2020.pdf](#)

Councilmember Reports and Comments - Assignments to Boards, Committees, and Commissions

Adjournment

I, Susan Blankenship, City Clerk for the City of South Lake Tahoe, declare that the foregoing agenda for the Tuesday, June 23, 2020 meeting of the City of South Lake Tahoe City Council was posted and available for review on Thursday, June 18, 2020 at City Hall, 1901 Lisa Maloff Way, South Lake Tahoe, CA 96150. The agenda was also available on the City website at <https://www.cityofslt.us/>.

Signed June 18, 2020

\\sb\\

Susan Blankenship, Elected City Clerk

City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: June 23, 2020

Agenda Item #: 1.



Agenda Item: City Council Meeting Minutes

Executive Summary: City Council is asked to formally approve the June 9, 2020 City Council and South Tahoe Redevelopment Successor Agency meeting minutes.

Requested Action / Suggested Motions: Pass a Motion to approve the June 9, 2020 City Council and South Tahoe Redevelopment Successor Agency meeting minutes.

Responsible Staff Member: Susan Blankenship, City Clerk

Responsible Staff Member: Susan Blankenship, City Clerk (530) 542-6005

Reviewed and Approved By:

Susan Blankenship, City Clerk

Attachments:

[06 09 2020 City Council, STRSA Minutes.pdf](#)



**City of South Lake Tahoe
City Council
South Tahoe Redevelopment Successor Agency
Meeting Minutes**

Tuesday, June 09, 2020 at 9:00 AM

City Hall - Council Chambers - 1901 Lisa Maloff Way, South Lake Tahoe

Pursuant to the Governor's Executive Order N-29-20

**City Council may participate via teleconference and the public may
participate via email or telephone only.**

City Council

Jason Collin, Mayor
Tamara Wallace, Mayor Pro Tem
Cody Bass, Councilmember
Brooke Laine, Councilmember
Devin Middlebrook, Councilmember

Mission of the City Council

The City Council exists to represent the public interest, to oversee the City's operations and to plan for the City's future.

NOTE: The Meeting Minutes represent actions taken during the meeting of the City Council and the South Tahoe Redevelopment Successor Agency. Complete Council/Agency members discussions on Regular Session meeting items can be viewed in archived video recordings on the City's website at <http://www.cityofslt.us> Public submittals on items can be reviewed in the staff reports contained in the agenda packet as permanent public record and can be viewed on the City's website at <http://www.cityofslt.us>.

Call to Order/Pledge of Allegiance

At 9:03 a.m. Mayor/Agency Chair Collin called the meeting to order. Collin then led the pledge of allegiance to the flag.

Roll Call

Present were Mayor/Agency Chair Collin and Council/Agency Members Bass, Laine, Middlebrook and Wallace.

Also present were City Manager Irvin, City Attorney Stroud and City Clerk/Agency Secretary Blankenship.

Mayoral Address

Mayor Collin addressed the City regarding racial equality and justice in South Lake Tahoe.

Acting Chief of Police Stevenson addressed the City regarding future policies and South Lake Tahoe Police Department's commitment to the community.

City Employee Recognition

1. City Employee Recognition

Action: City employees Deborah McIntyre, Douglas Sentell, David Stevenson and Kelly Edwards were recognized for their years of service to the City of South Lake Tahoe.

Public Communications

Public Comment was heard from the following people:

Topic: Law Enforcement/Community Mobility Group

1. Rebecca Bryson

Topic: Fire Wise Community

2. Doug Williams

Topic: Tahoe Coalition for the Homeless

3. Wendy David

Topic: Racial Injustice/Law Enforcement Policies

4. Dylan Hughes
5. Zachary Wasserman *written public comment also submitted.
6. Nicki
7. Erica Eng
8. Kelly Broche
9. Leana
10. Dr. Jenifer Norris
11. Stephanie Howel
12. Zack Grim
13. Name withheld
14. Kevin Bruner

Topic: Cell Towers

15. Robert Aaron *written public comment also submitted

Written Public Comment was read into the record from the following people:

Topic: Bijou Golf Course

16. Mary McCall

Topic: Racial Injustice/Law Enforcement Policies

17. Kara Bank
18. Kacey Davy
19. Anna Motor
20. Kerrirea
21. Gabby Fisher
22. Patrick Schep
23. Josie Bailey
24. Savannah Lockwood

Written Public Comment was received from the following people:

Topic: Racial Injustice/Law Enforcement Policies

25. Maia Bickert
26. Cori Erickson
27. Jonathan Farr
28. Lily French
29. Jenny Hebert
30. Molly Jordan
31. Meghan Kelly
32. Mia Sitton
33. Jane Pezua
34. Kerri Rea
35. Brandon Root
36. Sandis Sitton
37. Nick Speal

Topic: Cell Towers

38. Monica Eisenstecken

Proclamation

2. Proclamation Recognizing June 1-30, 2020 as "Lake Tahoe Bike Month"

Action: Issued a proclamation recognizing June 1-30, 2020 as "Lake Tahoe Bike Month".

The following person addressed City Council:

1. Gavin Feiger, Lake Tahoe Bicycle Coalition

City Commission Reports

None.

Closed Session Report - Closed Session June 9, 2020

1. **Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2), (e)(3) (claim from Liberty Utilities for \$27,721 dated Dec. 13, 2019, for damage to pole from snow plow).**
Action: 5-0 vote to settle the claim from Liberty Utilities for \$27,721.
2. **Public Employee Performance Evaluation – Government Code section 54957(b)(1). Title: City Manager.**
Action: No reportable action.

Consent Agenda - City Council

Note: City Staff noted the addition of the May 28, 2020 Special City Council Minutes to Item 3 and minor corrections to contract language on Item 4.

Action: Moved/Seconded: Wallace/Bass

Yes: Bass, Collin, Laine, Middlebrook and Wallace

Action: Passed **Motion 2020-042** to adopt the Consent Agenda in one motion as noted.

3. City Council Meeting Minutes

Action: Passed **Motion 2020-037** to approve the April 28, 2020 Budget & Capital Planning Workshop and City Council, May 6, 2020 Special City Council, May 12, 2020 and May 28, 2020 Regular City Council meeting minutes.

4. AI Tahoe Boulevard Safety and Mobility Project Contract Award

Action: Passed **Resolution 2020-049** authorizing the City Manager to execute Contract **C-063-2020** with Sierra Nevada Construction, Inc. in the amount of \$2,284,067 including a 10% construction contingency in the amount of \$228,407; and, accepting and appropriating a Congestion Mitigation Air Quality Grant in the amount of \$432,000 for the construction of the AI Tahoe Safety and Mobility Project.

Public Comment was heard from the following person:

1. Steve Teshara, Tahoe Chamber

5. General Election Consolidation

Action: Passed **Resolution 2020-050** requesting the El Dorado County Board of Supervisors consolidate a General Municipal Election with the Statewide General Election to be held on November 3, 2020.

6. Fiscal Year 2019-20 Monthly Financial Status Report - April 2020

Action: Received and filed.

7. FY 2020-2021 Direct Charge for Mello-Roos Special Tax for Community Facilities District No. 1995-1

Action: Passed **Resolution 2020-51** authorizing certification of FY 2020-2021 direct charge for Mello-Roos Special Tax for Community Facilities District No. 1995-1.

Public Comment was heard from the following person:

1. Ed Mosur

8. Confirmation of Director of Emergency Services Order No. 3 Extending Moratorium on Residential Evictions

Action: Passed **Resolution 2020-052** confirming Director of Emergency Services Order No. 3.

Consent - South Tahoe Redevelopment Successor Agency

9. Annual Special Tax for Community Facilities District 2001-1 Series 2015 Special Tax Refunding Bonds for Fiscal Year 2020-2021

Action: Moved/Seconded: Middlebrook/Wallace

Yes: Bass, Collin, Laine, Middlebrook and Wallace

Action: Passed **STRSA Resolution 2020-002** establishing the Annual Special Tax for Community Facilities District 2001-1 (Park Avenue Project) Series 2015 Special Tax Refunding Bonds (Heavenly Village) for Fiscal Year 2020-2021.

Regular-Unfinished Business

10. Update on US 50 South Shore Community Revitalization Project and Draft Economic Analysis

Note: Mayor Collin recused himself from participation on this item due to real property conflict of interest and was not present in Chambers.

Action: City Council provided direction to the City Manager and staff regarding the US 50 South Shore Community Revitalization Project to finalize economic analysis.

The following people addressed City Council:

1. Michael Baker International Representatives: Derek Wong, Dino Sarafini and Larry Pongeggi
2. Carl Hasty, Tahoe Transportation District

Public Comment was heard from the following people:

1. Ed Mosur
2. Steve Teshera, Tahoe Chamber
3. Duane Wallace, South Tahoe Chamber
4. David Gregorich

Written Public Comment was read into the record from the following person:

5. Jessica Wackenhut

Regular-New Business

11. Advisory Ballot Measure on US 50 South Shore Community Revitalization Project

Note: Mayor Collin recused himself from participation on this item due to real property conflict of interest and was not present in Chambers.

Substitute Motion: Postponing sponsoring an advisory ballot measure at this time.

Action: Moved/Seconded: Laine/Bass

Yes: Bass, Laine and Middlebrook

No: Wallace

Recused: Collin (absent)

Action: Passed **Motion 2020-039**.

Public Comment was heard from the following person:

1. Ed Mosur

Written Public Comment was read into the record from the following people:

2. Pat Murphy
3. Bruce Grego
4. Ashley Matilla
5. Steve Teshara, Tahoe Chamber

Written Public Comment was received from the following people:

6. Heidi Hill Drum, Tahoe Prosperity Center
7. David Jinkens, South Tahoe Chamber
8. Duane Wallace, South Tahoe Chamber

12. Ordinance Amending Sign Regulations (First Reading)

Action: Moved/Seconded: Wallace/Middlebrook

Yes: Bass, Collin, Laine, Middlebrook and Wallace

Action: Passed **Motion 2020-040** to hold a first reading (by title only) of an Ordinance repealing and replacing Title 6, Chapter 6.40 of the South Lake Tahoe City Code, related to Signs and Advertising Structures, and referred second reading and adoption to the June 23, 2020 meeting.

Public Comment was heard from the following person:

1. Jeff Aaron, Legal Counsel, California Sign Association

13. Water Efficient Landscape Ordinance (First Reading)

Action: Moved/Seconded: Middlebrook/Wallace

Yes: Bass, Collin, Laine, Middlebrook and Wallace

Action: Passed **Motion 2020-041** to hold first reading (by title only) of an Ordinance amending Title 6, Chapter 6.10.150 and 6.10.170 and adding Title 6, Chapter 6.80 of the South Lake Tahoe City Code, Water Efficient Landscape Ordinance, and referred second reading and adoption to the June 23, 2020 meeting.

14. COVID-19 Financial Update through September 30, 2020

Action: Moved/Seconded: Wallace/Middlebrook

Yes: Bass, Collin, Laine, Middlebrook and Wallace

Action: Passed **Resolution 2020-054** approving COVID-19 related amendments to the 2019/2020 Fiscal Year Budget.

Public Comment was heard from the following person:

1. Ed Mosur

15. Enforcement and Outreach on State Stay at Home Order and Public Health

Recommendations

Action: Moved/Seconded: Wallace/Middlebrook

Yes: Bass, Collin, Middlebrook and Wallace

Absent: Laine

Action: Passed **Resolution 2020-056** rescinding Amended Emergency Order No. 1 authorizing administrative citations and fines for violations of state Stay at Home Order effective June 12, 2020.

Public Comment was heard from the following person:

1. Ed Mosur

Written Public Comment was read into the record from the following people:

2. Wes Smith

16. Shared Mobility Device Fees

Substitute Motion: Directing the Director of Emergency Services to issue an emergency order temporarily modifying the current fee requirements for Shared Mobility Devices from \$75 per Shared Mobility Device to .10 per ride for this season only.

Action: Moved/Seconded: Middlebrook/Bass

Yes: Bass, Collin, Laine, Middlebrook and Wallace

Action: Passed **Motion 2020-044** .

Public Comment was heard from the following people:

1. Ed Mosur
2. Jonathan Hopkins, Lime

Written Comment was received from the following person:

3. Gavin Feiger, League to Save Lake Tahoe

17. Shared Rental Regulations

Action: City Council provided direction to the City Manager and staff to have the draft ordinance vetted by stakeholder groups and then brought back to Council.

Public Comment was heard from the following person:

1. Ed Mosur

Written Public Comment was read into the record from the following people:

2. Scott Robertson
3. Jerry Goodman
4. Peggy Bourland
5. Diane Reese

18. Planning Commission Appointment

Substitute Motion: To appoint Doug Williams to fill the vacancy on the Planning Commission for the remainder of the term of office (2/21).

Action: Moved/Seconded: Wallace/Bass

Yes: Bass, Collin, Laine, Middlebrook and Wallace

Action: Passed **Motion 2020-043**.

Written Public Comment was read into the record from the following person:

1. Jessica Mitchell

19. City Council Meeting Calendar

Action: Moved/Seconded: Middlebrook/Wallace

Yes: Bass, Collin, Laine, Middlebrook and Wallace

Action: Passed **Resolution 2020-055** adopting the City Council meeting calendar for the remainder of 2020.

Public Comment was heard from the following person:

1. David Gregorich
2. Ed Mosur

Agenda Planning Calendar

20. Agenda Planning Calendar

Councilmember Middlebrook:

1. Add standing COVID-19 item to each meeting.

Updates and Announcements (City Attorney, City Clerk, City Manager)

21. Monthly Narrative Reports - Department Heads

Action: Received and filed monthly City department narrative reports.

City Clerk:

1. June 23, 2020 Regular City Council Meeting

Councilmember Reports and Comments - Assignments to Boards, Committees, and Commissions

Councilmember Bass:

1. Law Enforcement Policies
2. Police Body cams (Middlebrook second)

Councilmember Middlebrook:

1. Transformational Change Committee Update
2. Designation of Lakeview commons as Free speech Area (Bass second))
3. Lodging Association Meeting
4. Town Hall regarding Policing

Mayor Pro Tem Wallace:

1. Short-term Economic Recovery Task Force Update
2. Saddle Road Parking Issues (Middlebrook second))

Public Communications

Written Public Comment was read into the record from the following people:

Topic: Face covering requirements

1. Sean Telvin

Topic: Racial Injustice/Law Enforcement Policies

2. Sharon Lafleur-Vetter
3. Nadia Tase

Topic: Cell Towers

4. Becca Stange

Adjournment

At 3:31 p.m. Mayor Collin adjourned the meeting.

Jason Collin, Mayor

Date

Attest:

Susan Blankenship, City Clerk

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the South Lake Tahoe City Council.

City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: June 23, 2020

Agenda Item #: 2.



Agenda Item: Flag Protocol Policy

Executive Summary: The City last approved a City Flag Policy on October 20, 1992 (City Record #1259). The 1992 City of South Lake Tahoe Flag Protocol for Lowering of the American Flag Over City Facilities is being amended to reflect changed conditions including revised guidance from both the federal government and state governor on official dates to fly the flag at half-staff. The City Manager directed staff to amend the City flag policy to reflect current flag protocols and to ensure the respectful and lawful display of banners and flags at City owned facilities. An amended City Flag Policy is before City Council for consideration and possible adoption.

Requested Action / Suggested Motions: Pass a Resolution amending City of South Lake Tahoe Flag Protocol Policy for lowering of the American Flag over City facilities.

Responsible Staff Member: Mark Gibbs, Airport Director

Responsible Staff Member: Mark Gibbs, Airport Manager (530) 542-6182

Sue Blankenship, City Clerk (530) 542-6005

Reviewed and Approved By:

Ray Jarvis, Director of Public Works

Debbie McIntyre, City Finance Director

Heather Stroud, City Attorney

Attachments:

[01-Staff Report - Flag Protocol Policy](#)

[02-Resolution - Flag Protocol Policy](#)

[03-Flag Protocol Policy.docx](#)

[04 - Attachment 1-Guidelines for Displaying US Flag.pdf](#)



City of South Lake Tahoe

Report to City Council

Meeting Date: June 23, 2020

Title: Amend City of South Lake Tahoe Flag Protocol for Lowering of the American Flag Over City Facilities

Location: City-Wide

Responsible Staff Member: Mark Gibbs, Airport Manager (530) 542-6182

Background:

The City last approved a City Flag Policy on October 20, 1992 (City Record #1259). The 1992 City of South Lake Tahoe Flag Protocol for Lowering of the American Flag Over City Facilities is being amended to reflect changed conditions including revised guidance from both the federal government and state governor on official dates to fly the flag at half-staff.

The City Manager directed staff to amend the City flag policy to reflect current flag protocols and to ensure the respectful and lawful display of banners and flags at City owned facilities. An amended City Flag Policy is before City Council for consideration and possible adoption. This policy covers the display of flags at the following City facilities:

1. Lake Tahoe Airport/City Hall located at 1901 Lisa Maloff Way
2. City Motor Pool located at 1700 D Street
3. City Services Center located at 1052 Tata Lane
4. City Streets Department located at 1150 Rufus Allen Boulevard
5. Lake View Commons located at 1004 Lakeview Avenue
6. Champions Plaza located at 1004 Lakeview Avenue
7. Bijou Park located at 1201 Al Tahoe Boulevard
8. South Lake Tahoe Fire Department Station 3 located at 2101 Lake Tahoe Boulevard
9. South Lake Tahoe Fire Department Station 2 located at 2951 Lake Tahoe Boulevard
10. South Lake Tahoe Fire Department Station 1 located at 1252 Ski Run Boulevard
11. South Lake Tahoe Police Department Station located at 1352 Johnson Boulevard

City Council Suggested Action

1. ***Pass a Resolution Adopting City of South Lake Tahoe Policy titled "Flag Protocol for Lowering of the American Flag Over City Facilities (Amended)"***

Financial Implications:

There is no fiscal impact resulting from adoption of this amended City Flag Policy. City Department Heads should ensure adequate staffing to ensure dignity, respect and the lawful display of flags of the United States.

Environmental Considerations:

There are no environmental implications resulting from the display of flags on City owned staffs.

Policy Implications:

City Council's adoption of the draft City Flag Policy (Amended) would remove and replace the City Flag Policy dated October 20, 1992 (City Record #1259) with the policy before consideration by City Council today.

Resolution 2020-_____

**Adopted by the City of South Lake Tahoe
City Council**

June 23, 2020

**Amend City of South Lake Tahoe Flag Protocol for Lowering of the American
Flag Over City Facilities**

BACKGROUND

- A. City last adopted a City Flag Protocol for Lowering of the American Flag Over City Facilities in 1992.
- B. The City Manager has directed City Staff to amend a new flag protocol policy to harmoniously coordinate the lawful display of flags of the United States of America at City Facilities

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, BE IT RESOLVED, that the City Council of the City of South Lake Tahoe:

- 1. Formally adopts City Flag Protocol for Lowering of the American Flag Over City Facilities (amended) which revises City protocols surrounding displaying the flags of the United States at City Facilities.
- 2. Retires City Flag Protocol for Lowering of the American Flag Over City Facilities dated October 20, 1992.

Adopted by the City of South Lake Tahoe City Council on **June 23, 2020** by the following vote:

Yes:

No:

Absent:

Abstain:

Date:_____

Jason Collin, Mayor

Attest:

Susan Blankenship, City Clerk

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the South Lake Tahoe City Council.



**CITY OF
SOUTH LAKE TAHOE**

**City of South Lake Tahoe Policy
Flag Protocol for Lowering of the American Flag Over City Facilities
(Amended June 23, 2020)**

Background

The City of South Lake Tahoe, California proudly displays the colors of the United States of America, State of California, POW/MIA and the City Flag at various City owned facilities. This policy applies to all City Departments who display the National Flag on City premises.

Federal and State regulations govern the lowering of the American flag when a state or federal public official has deceased. This policy is established to recognize the passing of a member of the "City Family." It is intended to show appropriate support for the contributions that person made while an elected official and is a recognition of their passing.

The Governor of California possesses the authority to announce when state agencies, counties and municipalities must lower the American flag to honor a special event, death of a public official or to honor a person(s) of significance to the State. The City Clerk will find such announcements available at the *California Governor's Newsroom for Press Releases, Executive Orders, Media Advisories, Proclamations and official state announcements* found at:

<https://www.gov.ca.gov/newsroom/>

The City Clerk will instruct the lowering of City flags in honor of City Family events. The City Clerk will consult with the City Manager and Mayor to lower the City flags in honor of the passing of prominent local persons not covered under this policy.

References

Federal Public Law §116-67
Federal Public Law §94-344
Federal §4 U.S.C. 1
Federal §36 U.S.C 10
California GOV§430-439

Definitions

"Banner" means a display similar in shape and size of a flag representative of an entity or organization other than a governmental jurisdiction.

"Flag" means the National Colors of the United States of America, the State Flag of California, the City of Flag of South Lake Tahoe, and the official flag of other governmental jurisdictions.



"Half-Staff" means the position of a flag when it is displayed a one-half the distance between the top and bottom of the staff.

"City" means the City of South Lake Tahoe, California

"City Family" means a former City employee with more than fifteen (15) years of service with the City, any person currently employed by the City, and any current or former official elected to serve the City.

Policy

1. It is the policy of the City of South Lake Tahoe to correctly honor the flags of the United States, the State of California, the POW/MIA recognition flag, the City of South Lake Tahoe, California Municipal Flag, and the flags of other governmental entities and ensure a standard for flag display on City property.
2. The City of South Lake Tahoe, California shall comply with national and state protocols for flag display and etiquette.
3. The City of South Lake Tahoe, California follows California Government Code sections 430-439 governing the display of flags, including the United States National Flag, State of California Flag, the City Flag, and the POW/MIA recognition flag, which shall be displayed at City facilities in the following locations within the City of South Lake Tahoe:
 - a. Lake Tahoe Airport/City Hall located at 1901 Lisa Maloff Way
 - b. City Motor Pool located at 1700 D Street
 - c. City Services Center located at 1052 Tata Lane
 - d. City Streets Department located at 1150 Rufus Allen Boulevard
 - e. Lake View Commons located at 1004 Lakeview Avenue
 - f. Champions Plaza located at 1004 Lakeview Avenue
 - g. Bijou Park located at 1201 Al Tahoe Boulevard
 - h. South Lake Tahoe Fire Department Station 3 located at 2101 Lake Tahoe Boulevard
 - i. South Lake Tahoe Fire Department Station 2 located at 2951 Lake Tahoe Boulevard
 - j. South Lake Tahoe Fire Department Station 1 located at 1252 Ski Run Boulevard
 - k. South Lake Tahoe Police Department Station located at 1352 Johnson Boulevard
4. In addition to the above reference flags, other flags or banners may be displayed on a permanent or temporary basis outside or inside City facilities. Other flags or banners may only be displayed upon the issuance of a federal or state proclamation or by City Proclamation. Examples of other flags and banners include but are not limited to: Sister City Flags, heritage month flags, flags received in recognition of awards, flags received by dignitaries or flags designating an event or accomplishment of community importance. All flags other than that of the United States National Flag, State of California Flag, the City Flag, and the POW/MIA recognition flag require City Council authorization as prescribed by the applicable City Proclamation.



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5. There are dates when flags are displayed at half-staff which occur each year. All flags at City Facilities should be lowered and displayed at half-mast for the following days each year. These days have been sanctioned by the President of the United States or the Governor of California as days when City facilities shall lower the flags to half-mast:
 - a. May 15th for Peace Officers Memorial Day (all day)
 - b. Last Monday in May for Memorial Day (half staff from sunrise to noon)
 - c. September 11th for Patriot Day (all day)
 - d. October 4th for National Fallen Firefighters Memorial Service (all day)
 - e. December 7th for Pearl Harbor Remembrance Day (all day)
6. **Time & Occasions for Display; Hoisting and Lowering of Flags:**
 - a. It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flag staffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four (24) hours a day consistent with Tahoe Regional Planning Agency Code of Ordinances 36.8, Exterior Lighting Standards.
 - b. The flag should be hoisted briskly and lowered ceremoniously.
 - c. The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
 - d. The flag should be displayed on all days.
 - e. No disrespect should be shown to the flag of the United States of America or the State of California. The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise. The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way. The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning. The South Lake Tahoe Police Department Honor Guard is willing to take worn flags from City Departments for proper disposal. Please contact (530) 542-6100 to make arrangements for the proper disposal of old flags.
 - f. Flags shall be flown at half-staff when prescribed by the President of the United States for days of national mourning, by the Governor of the State of California, or when prescribed by the Mayor or City Manager of the City of South Lake Tahoe, California.
 - g. The City Clerk is responsible for notifying City Department heads on date(s) when flags must be lowered to half staff that are not already sanctioned by the President of the United States or Governor of California under Section 5 of this Policy. City Department Heads are responsible for notifying City Staff to lower flags at appropriate times when instructed to do so. City Department Heads are to notify the City Clerk if there is any issue in carrying out this Policy.
 - i. During City family or prominent person events, flags shall fly at half-staff from the time death is known until the funeral or five working days if no service is held.
 - ii. City Clerk is responsible for notifying City Department Heads on the duration when flags are to fly at half-staff (date & time specific)
 - iii. City Clerk is to report to City Manager when a Department Head encounters an issue related to carrying out this Policy.



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- iv. City Department Heads must promptly contact the City Clerk if they encounter an issue at a City Facility in carrying out this Policy.
 - h. The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak position on the staff before it is lowered for the day. When times call for the flag of the United States to be flown at half-staff all other flags and banners, except the U.S. Flag should be removed. Only the flag of the United States of America should be flown at half-staff.
 - i. No other authority to raise or lower flags and/or banners is granted to City Staff.
7. Any questions regarding the City's Flag Policy please contact the City Clerk (530) 542-6005.

Attachment:

1_Guidelines for Display of the Flag



U.S. Department of Veterans Affairs
Washington, D.C. 20420

CELEBRATING AMERICA'S FREEDOMS

Guidelines for Display of the Flag

Public Law 94-344, known as the Federal Flag Code, contains rules for handling and displaying the U.S. flag. While the federal code contains no penalties for misusing the flag, states have their own flag codes and may impose penalties. The language of the federal code makes clear that the flag is a living symbol.







In response to a Supreme Court decision which held that a state law prohibiting flag burning was unconstitutional, Congress enacted the Flag Protection Act in 1989. It provides that anyone who knowingly desecrates the flag may be fined and/or imprisoned for up to one year. However, this law was challenged by the Supreme Court in a 1990 decision that the Flag Protection Act violates the First Amendment free speech protections.

Important Things to Remember

Traditional guidelines call for displaying the flag in public only from sunrise to sunset. However, the flag may be displayed at all times if it's illuminated during darkness. The flag should not be subject to weather damage, so it should not be displayed during rain, snow and wind storms unless it is an all-weather flag.

It should be displayed often, but especially on national and state holidays and special occasions.

The flag should be displayed on or near the main building of public institutions, schools during school days, and polling places on election days. It should be hoisted briskly and lowered ceremoniously.

Image	Description
	<p>When carried in procession with other flags the U.S. flag should be either on the marching right (the flag's right) or to the front and center of the flag line. When displayed on a float in a parade, the flag should be hung from a staff or suspended so it falls free. It should not be draped over a vehicle.</p>
	<p>When displayed with another flag against a wall from crossed staffs, the U.S. flag should be on its own right (left to a person facing the wall) and its staff should be in front of the other flag's staff.</p>
	<p>In a group of flags displayed from staffs, the U.S. flag should be at the center and the highest point.</p>
	<p>When the U.S. flag is displayed other than from a staff, it should be displayed flat, or suspended so that its folds fall free. When displayed over a street, place the union so it faces north or east, depending upon the direction of the street.</p>
	<p>When the U.S. flag is displayed from as projecting from a building, the union of the flag should be placed at the peak of the unless the flag is at half-staff. When suspended from a rope extending from the building on a pole, the flag should be hoisted out, union first from the building.</p>
	<p>When flags of states, cities or organizations are flown on the same staff, the U.S. flag must be at the top (except during church services conducted at sea by Navy chaplains)</p>

The flag should never be draped or drawn back in folds. Draped red, white and blue bunting should be used for decoration, with the blue at the top and red at the bottom.

The flag may be flown at half-staff to honor a newly deceased federal or state government official by order of the president or the governor, respectively. On Memorial Day, the flag should be displayed at half-staff until noon.

Other Things Not to Do with the Flag

Out of respect for the U.S. flag, never:

- dip it for any person or thing, even though state flags, regimental colors and other flags may be dipped as a mark of honor.

- display it with the union down, except as a signal of distress.

- let the flag touch anything beneath it: ground, floor, water, merchandise.

- carry it horizontally, but always aloft.

- fasten or display it in a way that will permit it to be damaged or soiled.

- place anything on the flag, including letters, insignia, or designs of any kind.

- use it for holding anything.

- use it as wearing apparel, bedding or drapery. It should not be used on a costume or athletic uniform. However, a flag patch may be attached to the uniform of patriotic organizations, military personnel, police officers and firefighters.

- use the flag for advertising or promotion purposes or print it on paper napkins, boxes or anything else intended for temporary use and discard.

During the hoisting or lowering of the flag or when it passes in parade or review, Americans should stand at attention facing the flag and place their right hand over the heart. Uniformed military members render the military salute. Men not in uniform should remove any headdress and hold it with their right hand at their left shoulder, the hand resting over the heart. Those who are not U.S. citizens should stand at attention.

When the flag is worn out or otherwise no longer a fitting emblem for display, it should be destroyed in a dignified way, preferably by burning.

City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: June 23, 2020

Agenda Item #: 3.



Agenda Item: Ordinance Amending Sign Regulations (Second Reading)

Executive Summary: In 2015, the U.S. Supreme Court clarified what constitutes impermissible content-based restrictions on signage in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). The Supreme Court held that regulations which distinguish between type of signs, for example having different regulations for temporary directional signs versus political signs, are content-based and subject to strict scrutiny under the First Amendment. The proposed revisions to the City's sign regulations remove the classifications that could be deemed content-based and replace them with permissible time, place, and manner restrictions to ensure that the City's sign regulations are enforceable. On June 9, 2020, City Council held a first reading (by title only) and referred second reading and adoption to the June 23 meeting.

Requested Action / Suggested Motions: Pass an Ordinance repealing and replacing Title 6, Chapter 6.40 of the South Lake Tahoe City Code, related to signs and advertising structures.

Responsible Staff Member: Heather Stroud, City Attorney

Responsible Staff Member: Heather L. Stroud, City Attorney (530) 542-6046

Reviewed and Approved By:

Susan Blankenship, City Clerk

Debbie McIntyre, Administrative Services Director

Attachments:

[01 - Staff Report](#)

[02 - Ordinance](#)

[03-Proof of Publication](#)



City of South Lake Tahoe

Report to City Council

Meeting Date: June 23, 2020

Title: Ordinance Amending Sign Regulations (Second Reading)

Location: Citywide

Responsible Staff Member: Heather Stroud, City Attorney (530) 542-6046

Background:

In 2015, the U.S. Supreme Court clarified what constitutes impermissible content-based restrictions on signage in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). The Supreme Court held that regulations which distinguish between type of signs, for example having different regulations for temporary directional signs versus political signs, are content-based and subject to strict scrutiny under the First Amendment. The proposed revisions to the City's sign regulations remove the classifications that could be deemed content-based and replace them with permissible time, place, and manner restrictions to ensure that the City's sign regulations are enforceable.

Under Section 38.2.3(A) of the TRPA Code of Ordinances, local jurisdictions may prepare equal or superior sign standards to the TRPA Sign Ordinance contained in Chapter 38 of the TRPA Code of Ordinances. The proposed amendments are equal or superior to the TRPA Sign Ordinance.

On June 9, 2020, City Council held a first reading (by title only) and referred second reading and adoption to the June 23 meeting.

Issue and Discussion:

The proposed amendments to the City's sign regulations remove the following sign classifications:

- Directional/informational signs
- Memorial signs
- Real estate / "open house" signs
- Political signs
- Garage sale signs

Instead of these arguably content-based classifications, the proposed amendments distinguish between signs in commercial versus residential areas, and temporary versus permanent signs, which are both permissible time, place, and manner regulations.

Certain types of signs continue to not require a permit (Section 6.40.080):

- Signs not exceeding two square feet for identification, no trespassing, or warning of animals in residential areas
- Temporary signs on private property not greater than 12 square feet, not internally illuminated, and not displayed for more than 30 days per calendar year, except that for 60

days preceding an election more than one such sign may be placed on each parcel, provided they are removed immediately after the election (modified to mirror TRPA requirement)

- Off-premises and on-premises temporary signs in residential areas meeting certain standards
- On-premises signs in commercial areas meeting certain standards
- Motor vehicle signs used for business, company, or government identification and not used to augment approved signage for a business as opposed to normal operation or parking of vehicle (modified to mirror TRPA requirement)
- Window signage not exceeding 5 percent of window area
- Banners and sandwich board signs meeting certain standards
- Governmental signs including those placed by the City

All other permissible signs continue to require a permit from the Development Services Department under Sections 6.40.130 through 6.40.150.

The design standards and guidelines from Sections 6.40.300 through 6.40.380 are largely unchanged except for minor edits to remove some content-based and vague requirements that may be unenforceable.

Environmental Considerations:

The proposed Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15303 (Small Structures), 15304 (Minor Alterations to Land), and Section 15061(b)(3) (Review for Exemptions – Common Sense Rule), in that it can be seen with certainty that there is no possibility for this action to have a significant effect on the environment, and individual development applications will be reviewed under CEQA as they are proposed.

Adoption of this ordinance would enact changes in sign regulations to ensure the regulations are content-neutral to comply with federal law, and it can be seen with certainty that its adoption will not have a significant effect on the environment because it will not allow for the development of signs in places other than where they were previously allowed under existing TRPA and City regulations.

Financial Implications:

None.

Policy Implications:

The adoption of this Ordinance is intended to bring the City's sign regulations into conformance with federal law, and is consistent with the City's General Plan. The City's General Plan provides goals and policies to preserve community character, aesthetics and environmental characteristics while also maintaining a strong, healthy economy and assuring the health and safety of the residential character of the community. Adoption of the Ordinance would further these goals and objectives by providing enforceable sign regulations to protect aesthetics and public safety.

Although the adopted City General Plan does not provide policy direction specific to all aspects of signage, the following goals and policies are relevant to the issue:

Policy LU-8.11: Scenic Corridors

The City should continue to work with Caltrans and property owners to enhance facades, landscaping, and infrastructure (e.g., lighting, signage, utilities) on portions of Highway 50 and State Route 89 corridors that are designated as scenic corridors by the Tahoe Regional Planning Agency.

Policy LU-8.9: Signage and Way-finding Program

The City shall create a signage and wayfinding program for residents and visitors that includes informational kiosks, gateway signs, and signs identifying special districts, neighborhoods, public facilities, special events, and school activities. Revitalized signage provides a sense of Tahoe's unique style and neighborhood character and shall conform to rich nonvibrant nature inspired colors, sensible to heights of snow and snow loads, and complying with Title 24. Kiosks should specify walking and biking distances and include maps.

Ordinance 2020-XXX

**Adopted by the City of South Lake Tahoe
City Council**

June 23, 2020

An Ordinance Repealing and Replacing Title 6, Chapter 6.40 of the South Lake Tahoe City Code, Related to Signs and Advertising Structures

FINDINGS

- A. In 2015, the U.S. Supreme Court clarified what constitutes impermissible content-based restrictions on signage in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), holding that regulations which distinguish between type of signs, for example having different regulations for temporary directional signs versus political signs, are content-based and subject to strict scrutiny under the First Amendment.
- B. The proposed revisions to the City's sign regulations remove the classifications that could be deemed content-based and replace them with permissible time, place, and manner restrictions to ensure that the City's sign regulations are enforceable.
- C. This Ordinance is equal or superior to the TRPA Sign Ordinance contained in Chapter 38 of the TRPA Code of Ordinances, as required under Section 38.2.3(A) of the TRPA Code of Ordinances.
- D. Government Code section 65853 et seq. requires the Planning Commission to conduct a public hearing and provide a written recommendation to the City Council on any new zoning ordinance or regulation of the use of land.
- E. On May 21, 2020, the Planning Commission conducted a public hearing and considered City Code amendments to sign regulations to ensure compliance with *Reed v. Town of Gilbert*.
- F. The Planning Commission adopted Resolution 2020-09 by a vote of 3-0, with Commissioners Palacio and Ongoy absent, recommending that the City Council repeal and replace Title 6, Chapter 6.40 of the South Lake Tahoe City Code, related to signs and advertising structures.
- G. On June 9, 2020, the City Council held a first reading (by title only) and referred second reading and adoption to the June 23, 2020 meeting.

Now, Therefore, the City Council of City of South Lake Tahoe does ordain as follows:

SECTION 1. Title 6, Chapter 6.40 of the South Lake Tahoe City Code is amended by repealing and replacing Chapter 6.40 (Signs and Advertising Structures) with a new Chapter 6.40 (Signs and Advertising Structures) to read as follows:

Chapter 6.40

SIGNS AND ADVERTISING STRUCTURES

Sections:

Article I. Purpose and Scope

- 6.40.010 Authority.
- 6.40.020 Purpose and Findings.
- 6.40.030 Scope.

Article II. Definitions

- 6.40.040 Definitions.

Article III. General Provisions

- 6.40.050 Compliance required.
- 6.40.060 Signs prohibited.
- 6.40.070 Planning permits required.
- 6.40.080 Signs and activities not requiring permits.
- 6.40.090 Maintenance.
- 6.40.100 Lighting.
- 6.40.110 Sign contractor's license or exemption.
- 6.40.120 Reserved.

Article IV. Regulation by PAS

- 6.40.130 Signs permitted in all PAS.
- 6.40.140 Signs permitted in residential PAS.
- 6.40.150 Signs permitted in commercial/ tourist plan areas.

Article V. Construction Specifications

- 6.40.160 Construction specifications.

Article VI. Administration and Enforcement

- 6.40.170 Planning division.
- 6.40.180 Application for permits.
- 6.40.190 Permit fees.
- 6.40.200 Permit issuance.
- 6.40.210 Revocation.
- 6.40.220 Inspection upon completion.
- 6.40.230 Exceptions.
- 6.40.240 Locally unique signs.
- 6.40.250 Reserved.

- 6.40.260 Violations.
- 6.40.270 Appeals.

Article VII. Conflict, Severability and Effective Date

- 6.40.280 Conflict.
- 6.40.290 Severability.

Article VIII. Sign Design Standards

- 6.40.300 Applicability.
- 6.40.305 Alternative design standards.
- 6.40.310 Copy.
- 6.40.320 Lighting.
- 6.40.330 Landscaping.
- 6.40.340 Construction.
- 6.40.350 Color.
- 6.40.360 Sign location.
- 6.40.370 Sign height.
- 6.40.380 General sign design.

Article IX. Sign Area Formula City-Wide

- 6.40.390 Concept.
- 6.40.400 Computing the sign area.
- 6.40.410 Reserved.

Article X. Tourist Core Area Plan

- 6.40.420 Tourist core area plan.

Article I. Purpose and Scope

6.40.010 Authority.

This chapter is prepared pursuant to the TRPA Code of Ordinances, Section 38.2.3(A), which permits local jurisdictions to prepare equal or superior sign standards to the TRPA Sign Ordinance, contained in TRPA Chapter 38.

6.40.020 Purpose and Findings.

The purpose of this chapter shall be to establish regulations on display, erection, use, and maintenance of signs in South Lake Tahoe. These regulations coordinate the type, placement, and scale of signs within the different land use categories in order to:

- A. Promote public health and safety.
- B. Minimize aesthetic impacts on the community and prevent visual clutter caused by excessive and obtrusive signs;
- C. Reduce distractions, obstructions, or hazards to pedestrians and automobile traffic caused by an excessive number of signs, excessive size or height, inappropriate means of illumination, movements, indiscriminate placement, overconcentration, or unsafe construction;

- D. Improve the visual quality of South Lake Tahoe;
- E. Encourage the innovative use of design;
- F. Promote both renovation and proper maintenance of signs;
- G. Recognize that commercial and residential areas within South Lake Tahoe have different regulatory needs due to their inherent characteristics and may require different sign regulations based on the respective land uses, and that aesthetic impacts based on sign size, illumination, and placement may create a greater public nuisance in residential neighborhood areas than in commercial areas.

6.40.030 Scope.

This chapter shall not relate to building design. Nor shall the city ordinance regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; interior window displays; scoreboards on athletic fields; flags of any nation or government; gravestones; religious symbols; memorial signs; the residential display of street numbers; or any display or construction not defined herein as a sign.

The primary intent of this chapter shall be to regulate signs intended to be readable from any public street, recreation area, bike trail or from Lake Tahoe.

Article II. Definitions

6.40.040 Definitions.

1. "Abandoned sign" means a sign, nonconforming or conforming, which no longer identifies or advertises a bona fide business, use, lessor, service, owner, product or activity for a period of six months or longer, and/or for which no legal owner can be found.
2. "Access" means any public vehicle access. Does not include pedestrian or service vehicle access.
3. "Animated sign" means a sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:
 - a. Naturally Energized. Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, pennants, streamers, spinners, metallic disks, windsocks or other similar devices designed to move in the wind.
 - b. Mechanically Energized. Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
 - c. Electrically Energized. Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:
 - i. Flashing Signs. Illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.
 - ii. Illusionary Movement Signs. Illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of

the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

4. Area. See “Sign, area of.”

5. “Area identification sign” identifies an area of a distinct character composed of more than one ownership, or more than one parcel, such as a neighborhood, subdivision, shopping or industrial area.

6. “Awning” means a shelter projecting from and supported by the exterior wall of a building constructed of canvas, plastic or similar non-rigid materials on a supporting framework. Compare “Marquee.”

7. “Awning sign” means any sign affixed in any manner to the surface of an awning.

8. “Banner” means a piece of cloth or other flexible material such as plastic/vinyl sheets or canvas that contains graphics or copy.

9. “Base reference budget (BRB)” means the amount of sign area, prior to adjustments, available to a business or a multiple business complex (MBC). This amount is calculated from:

- a. Gross floor area of buildings; and
- b. Number of streets that access the property; and
- c. Whether the business is part of a multiple business complex.

10. “Building sign” means any sign attached to a building and supported by a wall of a building, or the wall of a structure, including a mansard roof. Any permanent window signs shall be considered a building sign. For the purpose of this definition the following signs are considered as a part of the building sign area (see definition for more clarification):

- a. Awning signs;
- b. Canopy signs;
- c. Marquee signs;
- d. Landscape wall signs;
- e. Mansard roof signs;
- f. Permanent window signs.

11. “Business” means a single commercial unit of operation. There may be more than one business within a building (see “Multiple business complex”); or there may be a single business in one building on one project area.

12. “Can sign” means a sign in which the sign copy is placed on a transparent face, which is attached to an enclosed box or can, usually made of metal, that has an internal light source.

13. “Canopy sign” means a sign affixed or applied to the exterior facing surface or surfaces of a building canopy or freestanding canopy.

14. “Canopy (building)” means a structure or roof covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources. Compare “Marquee.”

15. “Canopy (freestanding)” means a structure or roof covered with fabric, metal or other material supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

16. City. Unless the context clearly discloses a contrary intent, the word “city” shall mean the city of South Lake Tahoe.

17. “Clearance (of a sign)” means the smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

18. “Clear zone” means the area at a street corner or driveway defined as follows:

a. Street corner clear zone is created by extending the front property line and street side property line to a point and measuring from the point along the front property line and street side yard property line to a distance of 15 feet and connecting these two points to create a triangular area.

b. Driveway clear zone is created by measuring, from the point of driveway and property line intersection, along the driveway and property lines to a distance of 15 feet and connecting these two points to create a triangular area.

19. “Construction sign” means a temporary sign identifying a construction project, owner or developer, architect, contractor or subcontractor, and other related information pertinent to the property on which the sign is located.

20. “Copy” means the graphic content of a sign surface in either permanent or removable letter, numeric, symbolic, or alphabetic form.

21. “Copy area” means the area shall be calculated by enclosing the perimeter of the copy within a rectilinear geometric figure which encloses the extreme limits of the copy and measuring the area within the perimeter.

23. “Double-faced sign” means a sign with two faces, essentially back-to-back. Each sign face is to be calculated to determine sign area.

24. “Electrical sign” means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

25. “Embellishment” means a portion of a sign structure intended to accent a sign rather than to provide or carry additional message area, e.g., framing, roofing, foundations, landscaping and the like.

26. “Facade” means the entire building elevation including the parapet.

27. “Festoons” means a string of ribbons, tins, or pinwheels.

28. “Flag” means an article of cloth on flexible material displayed to the public.

a. Official Flag. The flag of any nation, state, county, city or other recognized governmental entity, flown in accordance with the state and federal laws governing such displays. A U.S. flag shall be flown in conjunction with any foreign flag.

29. Flashing Sign. See “Animated sign, electrically energized.”

30. “Freestanding sign” means a sign which is permanently supported in a fixed location on the ground by poles, braces, a foundation, a planter, pedestal, retaining wall or other structure and not attached to or supported by any building. Such signs include building wing wall signs. (See also “Low Profile Sign”).

31. “Frontage, street” means that portion of a project area bounded by public roadway.

32. “Graphic” means the use of letters, symbols, numbers to convey a message.

33. “Grade” means the surface elevation of the street, or the natural ground elevation beneath the sign.

34. “Gross floor area (GFA)” means the measure of commercial square footage calculated as the floor area within the outer walls of a building or store space, including storage space. This shall not include stairwells and airshafts.

If more than one business is occupying the same floor space, the floor space shall be counted once to determine the gross floor area.

If a business occupies one floor of a two-story business, the GFA shall be based on the one floor. Should the business extend to the second floor, its new sign area shall be recalculated including the second floor. Should the business revert back to the first floor, then the GFA reverts back to floor one. Any signage increase resulting from the expansion to the second floor shall now have to be reduced accordingly.

35. “Height (of a sign)” means:

Freestanding Sign: the vertical distance measured from the highest point of the sign structure, including decorative embellishments, to the curb grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Building Sign: the vertical distance measured from the highest point of the sign or sign structure to the building grade.

36. “Icon sign” means three-dimensional representation of an object that does not contain copy. Examples include a child’s building blocks to denote a children’s store or an ice cream cone to denote an ice cream shop. The intent of the icon sign is to provide business identification in a highly concentrated pedestrian environment (Mainstreet district of the Tourist Core Area Plan) in a whimsical and entertaining manner without using copy. For sign area and locational standards, see SLTCC 6.40.420.

37. “Identification sign” means a non-electrical, non-illuminated sign of less than two square feet in sign area, that contains no advertising copy, that is permanently affixed in a place parallel to a wall located entirely on private property for the purpose of identifying any residence, establishment, or institution.

38. “Inflatable sign” means any device which is filled or activated by air or gas, and located, attached, or tethered to the ground, site, merchandise, building, or roof, and used for signage purposes.

39. "Individual sign area" is computed from the BRB and is the allowable sign area for a specific individual sign, taking into account the following adjustments:

- a. Specific individual sign setback;
- b. Vehicle speed on the closest street;
- c. Specific individual sign angle using the street frontage as a reference plane; and
- d. Height.

40. "Illegal sign" means a sign which does not meet the requirements of this code, including but not limited to the placement or installation of a sign without first obtaining a city sign permit or installing a sign that is not consistent with the sign permit and which has not received legal nonconforming status.

41. "Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. The following are types of illumination:

- a. Diffuse. "Diffused lighting" is where the light source is internal and located behind a translucent sign face; i.e., internally illuminated electric can sign.
- b. Indirect. "Indirect lighting" is where the copy and/or the sign face are illuminated by an external light source. The external light source should be shielded from public view.
- c. Direct. "Direct lighting" is where the sign copy is the light source, e.g., individual light bulbs organized to create the sign copy.

42. "Kiosk" means a pedestrian-oriented freestanding sign within public right-of-way used for display of information. All kiosk locations as well as information content shall be subject to the city use permit process.

43. "Landscape wall sign" means a sign attached to a retaining wall which is integrated into the project area landscape and the single sign face is parallel to the street.

44. "Lot" means a parcel of land legally defined on a subdivision or parcel map recorded with the El Dorado County recorder.

45. "Low profile sign" means a type of freestanding sign mounted directly to the ground with maximum height not to exceed six feet.

49. "Maintenance" means, for the purposes of this chapter, upkeep, or preservation of the condition of a sign in order to keep the existing components safe, neat and orderly in condition and appearance and to prevent corrosion or deterioration caused by weather, age or other conditions. Maintenance includes cleaning, painting, repair or replacement of defective parts of a sign. Maintenance does not include any changes to the sign area, the copy, graphic design, or the external dimensions of the sign or structure.

50. "Mansard roof" means normally the roof slope exceeds 45 degrees (12:12). A roof-like facade architecturally comparable to a building wall.

51. "Mansard roof sign" means a sign attached to a mansard roof.

52. "Marquee" means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. Compare "Awning" and "Canopy sign."

53. Monument Sign. See “Low profile sign.”

54. “Motor fuel price sign” means that portion of a freestanding sign which advertises the price of motor vehicle fuel offered for sale.

55. “Motor vehicle signs” means a sign attached, affixed or painted upon the exterior of a motor vehicle.

56. “Multiple business complex” means a building or group of buildings within a single architectural plan and within one project area housing two or more businesses with one or more parcels.

57. “Multiple business complex sign” means a sign whose purpose is to identify the MBC, not individual tenants.

58. “Multiple-faced sign” means a sign containing three or more sign faces, not necessarily in back-to-back configuration. Each sign face shall be calculated to determine sign area.

59. “Mural” means a picture pictograph painted or applied directly on a wall, ceiling or roof, which is not for commercial purposes and is not a visual representation of a business or service so as to be viewed as advertisement for the business or service.

60. “Nonconforming sign” means a sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

61. “Occupancy” means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

62. “Off-premises sign” means a sign erected or maintained on a parcel or project area other than the property on which the use or activity relating to the sign is located.

63. “On-premises sign” means a sign erected or maintained on a parcel or project area on which the use or activity advertised by the sign is located.

64. “Opaque background” means a sign background that doesn’t transmit light.

65. “Owner” means the legal owner of record. This information may be available through a search of the county recorder’s records or as shown on the most recent property tax roll provided by El Dorado County assessor. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the city, e.g., a sign leased from a sign company.

66. “Parapet” means the extension of a false front or wall above a roofline.

67. “Parking signs” means signs that comply with California Vehicle Code section 22658.

68. “Parked motor vehicle sign” means a sign attached to, located on, or located within any motor vehicle trailer or other related device, when parked for the primary purpose of displaying signage or to augment existing signage of a business located on the parcel, lot, or project area where the parked motor vehicle is located. A parked motor vehicle sign meets this definition if the copy is easily readable from a vehicle or pedestrian traveling upon a public right-of-way (of a scenic corridor). Examples of such signs are, business delivery vehicle(s), personal vehicles and the like. Excluded from this are vans or trucks which have short term deliveries of merchandise and goods to the retailer or restaurant.

69. "Pedestrian scale" means copy, graphics, proportions and locations that are easy to comprehend and intended to be primarily read by pedestrians.
70. "Pedestrian sign" means a permanent sign in "pedestrian scale" which provides information and directions to pedestrians, such as a "directory/information sign" and "kiosk sign."
71. "Pennant" means a piece of cloth, plastic, paper, or other such material varying in size, shape or design to draw attention to the site where located.
72. "Permanently affixed" shall mean painted or permanently attached with glue, adhesive, bolts, nails, approved concrete footings, not intended to be easily removed. Tape shall not be considered as meeting this definition.
73. "Person" means any individual, corporation, association, firm, partnership, or similarly defined interest.
76. "Portable sign" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
77. "Project area" means one or more parcels or leases that are linked together for a common and definitive purpose, such as parking, or access, or utilities, or are under one umbrella management unit.
78. "Projecting sign" means a sign, other than a flat building sign, which projects from and is supported by a wall of a building and is not mounted parallel to the plane of the wall.
79. "Public right-of-way" means that portion of land owned by the public in which the street, sidewalk and utilities are placed. Note: Normally the public right-of-way is wider than the paved street.
80. "Roofline" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.
81. "Roof sign" means any sign erected over or on the roof of a building. No roof sign dormer can extend above the roofline as measured in elevation.
82. Scenic Corridor. The following roads are considered scenic corridors: Lake Tahoe Boulevard, U.S. 89, U.S. Highway 50 and the Loop Roads.
83. "Sculpture" means to cut, carve, chisel, cast, weld, mold, etc., into statues or figures.
84. Setback. Setback for all signs shall be measured from the property line.
85. "Sign" means any character, letter, figure, symbol, model or device or combination of these used to attract attention or convey a message and which is readable from a public street, public recreation area, bicycle trail or from Lake Tahoe. The term includes banners, pennants, streamers, moving mechanisms and lights. The term does not include scoreboards or ball field signs where the sign is oriented to the recreation use, nor does it include non-illuminated murals or sculptures on private property.
86. "Sign, area of" means the sum total of display areas of one or more sign faces (also see "Sign face"). If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the sign area shall be calculated by enclosing the perimeter of each word within a rectilinear geometric figure which encloses the extreme limits of the copy and measuring the area within the perimeter.

87. "Sign dormer" means a structure attached to the roof that provides a vertical mounting surface on a sloping roof. The dormer is usually constructed of the same material as the roof.
88. "Sign face" means the plane of a sign on which the copy is placed. A normal size frame is not considered as a part of the sign face.
89. "Snipe sign" means a temporary sign or poster affixed to a tree, fence, telephone pole, etc.
90. "Subdivision identification sign" means a freestanding or wall sign identifying a recognized subdivision, condominium complex or residential development.
91. "Temporary sign" means any sign not permanently affixed to property and intended for use for a limited period of time.
92. "Under-canopy pedestrian-oriented sign" means a sign suspended beneath and not projecting beyond the face of a canopy, ceiling, roof, or marquee.
93. "Unit of operation" means an individual and separate unit of activity or function within a building, such as a single shop within a business complex or a single business occupying an entire building.
94. "Use" means the purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.
95. "Window" means an opening in a building for letting in light or air or for looking through and having a pane(s) of glass set in a frame or sash. Note: Placing a false window on a building does not meet the definition of window and window signs. Also see "Parked motor vehicle sign."
96. "Window sign" means all signs placed in a window which are visible from a public right-of-way, including permanent and temporary signs.

Note: A temporary window sign does not count as building sign area unless the sign exceeds five percent of the window area of any window.

Article III. General Provisions

6.40.050 Compliance required.

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the city of South Lake Tahoe except in accordance with the provisions of this chapter.

6.40.060 Signs prohibited.

The following types of signs are prohibited in all districts:

- A. Pennants, ribbons, streamers, spinners, festoons, search lights, or other moving or fluttering devices;
- B. Signs imitating or resembling official traffic or government signs or signals;
- C. Snipe signs, when located in the public right-of-way;
- D. Off-premises parked motor vehicle signs;
- E. Portable signs not specifically permitted by this chapter;
- F. Animated signs;

- G. Inflatable signs;
- H. Sound producing signs;
- I. Illegal signs;
- J. Off-premises signs, except for temporary signs allowed under SLTCC 6.40.080(E);
- K. All signs not specifically noted;
- L. Freestanding signs in clear zones that have height between three feet and 10 feet from grade, or with pole/base support larger than 12 inches in diameter;
- M. Signage for prohibited uses;
- N. Signs not in compliance with this chapter;
- O. Hand held signs for commercial use in public rights of way.

6.40.070 Planning permits required.

Unless otherwise provided by this chapter, all signs shall require a planning permit and payment of fees as described in Article VI of this chapter.

6.40.080 Signs and activities not requiring permits.

The following types of signs and activities are exempt from permit requirements but shall be in conformance with all other standards of this chapter:

- A. Maintenance or cleaning of a sign.
- B. In residential areas, (1) identification signs, (2) names on mailboxes or newspaper tubes, (3) private property parking or warning the public against trespassing or danger from animals, provided they do not exceed two square feet.
- C. Signs not readable from a public street, recreation area, bicycle trail, or Lake Tahoe, such as window placards denoting community special events.
- D. Temporary signs located on private property not greater than 12 square feet in area, not internally illuminated, and not displayed for more than 30 days in a calendar year, except that for 60 days preceding a general or special election more than one such sign may be placed on each parcel, provided they are removed immediately after the election. Any sign larger than the limits described shall be counted as either freestanding or building sign area as appropriate.
- E. Off-premises temporary signs in residential areas as permitted by California Civil Code section 713, provided the following standards are met:
 - 1. The signs shall not exceed three square feet. Within the three-square feet, all copy shall be placed including arrows, logos, name of real estate office, address and the like. The height of sign shall not exceed three feet. For the purpose of this provision, the three-foot-high signs may be placed on top of a snow berm.
 - 2. All signs shall not be located within the public right-of-way.
 - 3. The signs shall not be allowed within the Tahoe Keys Boulevard median, the 15th Street median and parkway, or the Loop Road median and parkway.

4. The maximum number of signs per individual or activity shall be limited to three.
5. The signs shall be either freestanding, mounted on a stake, or an “A-frame.” The location and/or size of such signs shall not create a traffic hazard.
6. The signs shall be removed at the conclusion of the activity.

F. On-premises temporary signs as permitted by California Civil Code section 713, provided the following standards are met:

1. Residential.

- a. The maximum number of signs shall be limited to one per frontage;
- b. The standards for all signs shall be:
 - i. If freestanding, the sign area shall not exceed three square feet. Should the sign be mounted on a stake, the stake shall not exceed five feet in height. The sign or its supports shall not encroach into the public right-of-way and shall not create a traffic hazard or encroach into a clear zone area. Said sign may be double faced;
 - ii. If a wall sign, the area shall not exceed three square feet;
 - iii. Shall not be illuminated; and
 - iv. Shall not contain more than two sign riders, each a maximum size of six inches by 18 inches; and
 - v. Shall not contain more than one flier box.
- c. The sign shall be removed at the conclusion of the activity.

2. Commercial.

- a. One sign per premises unless the property has both a front and rear street frontage, in which case, two signs are permitted;
- b. The standards for all signs shall be:
 - i. If freestanding, the sign area shall not exceed 32 square feet; shall not exceed six feet in height. The sign or its supports shall be a minimum of five feet from all property lines and shall not encroach into a clear view area. Said sign may be double faced;
 - ii. If a wall sign, the area shall not exceed 32 square feet;
 - iii. Shall conform to the design standards contained in SLTCC 6.40.340 and 6.40.350; and
 - iv. Shall not be illuminated.
- c. The sign shall be removed at the conclusion of the activity.

G. Motor vehicle signs used for business, company, or government identification, or motor vehicle signs on nonstationary motor vehicles. Motor vehicle signs may not be used in a manner to augment approved signage for a business as opposed to normal operation or parking of the vehicle.

H. Window signage that does not exceed 5 percent of the window area.

I. Banners and sandwich board signs in compliance with the following standards:

- i. May be displayed only during weekends (Friday at 8:00 a.m. through Sunday at 5:00 p.m.) and holidays (December 24th at 8:00 a.m. through New Year's Day at 5:00 p.m., Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day) or during city-sanctioned community events;
- ii. Not within a street right-of-way, sidewalk, bicycle path, pedestrian walkway, designated parking space, ADA accessible zone or path, or clear zone; and
- iii. Not impede pedestrian or bicycle circulation.

Banners and sandwich boards are limited to one per parcel.

J. Signs constructed, placed or maintained by the federal, state or local government or a sign that is specifically authorized or required to be constructed, placed or maintained by law. Signs constructed, placed or maintained by the City are also exempt from all other requirements in this chapter.

6.40.090 Maintenance.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The city shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated as defined in the Uniform Building Code.

6.40.100 Lighting.

Unless otherwise prohibited by this chapter, all signs may be illuminated consistent with this chapter.

6.40.110 Sign contractor's license or exemption.

No person shall engage in the business of erecting, altering, relocating, constructing or maintaining signs without a valid contractor's license and meeting the provisions for all required state and federal licenses (unless said maintenance does not require a state or federal license) or meets the Uniform Building Code "owner/builder" section.

6.40.120 Reserved.

Article IV. Regulation by PAS

6.40.130 Signs permitted in all PAS.

Unless otherwise noted, the following signs requiring planning division permits are permitted in all PAS and they shall conform with all standards of this chapter:

A. Area Identification Sign

1. Signs shall not exceed 25 square feet in area;
2. Signs shall be low profile signs and not exceed five feet in height, with the following exception:

The height of an area identification sign may exceed five feet, when:

- a. The sign is placed on public property (or property which acts as public property such as property dedicated for public use), outside the public right-of-way;

- b. The sign is placed within an approved community plan where the community plan allows for it;
- c. The sign is placed within a community plan which allows multi-story buildings (above two);
- d. The project which includes the sign shall have all of the following public infrastructure: curb, gutter, sidewalk, street lighting and drainage improvements;
- e. The sign setback shall conform to the freestanding sign setback and height chart shown in SLTCC 6.40.360(D);
- f. The number and location of signs shall be included in each community plan;
- g. Signs shall be landscaped as required by Article VIII, Sign Design Standards, except the landscaping requirements may be reduced or eliminated where:
 - i. The sign will be constructed as a part of a project where the city has reviewed and approved the landscaping;
 - ii. The sign will be placed on pedestrian-oriented hardscape and therefore not conducive to meet the landscaping standards in Article VIII; and
 - iii. The project shall have full public improvements, including any of the following: curb, gutter, sidewalk, street lighting, and drainage improvements.

B. Construction Signs. One construction sign may be erected on site, provided it not exceed 32 square feet, six feet in height, shall be set back a minimum of five feet from all property lines and conform to the design standards contained in SLTCC 6.40.340 and 6.40.350. Such signs shall not be erected prior to the issuance of the project building permit and shall be removed within 10 days of completion of construction or building occupancy, whichever occurs first.

6.40.140 Signs permitted in residential PAS.

For all signs not requiring permits, see SLTCC 6.40.080.

A. The following signs do not require planning division permits: all signs listed in SLTCC 6.40.080.

B. The following signs requiring planning division permits are allowed in residential PAS. They shall conform with all standards of this chapter:

1. All signs permitted in all PAS (SLTCC 6.40.130).
2. Identification sign provided the following standards are met:
 - a. Sign area shall not exceed 32 square feet; and
 - b. One sign per street entrance.
3. For permitted nonresidential uses, including places of worship, but excluding home occupations, the following standards shall be permitted: (a) freestanding sign not to exceed 32 square feet in sign area, and (b) building sign not to exceed 32 square feet in area.

C. Special regulations for residential PAS are as follows: all allowed freestanding signs shall be a low-profile sign with a height limit of six feet and be set back a minimum of 15 feet from any public right-of-way.

6.40.150 Signs permitted in commercial/ tourist plan areas.

A. The following signs do not require planning division permits: all signs not requiring permits (SLTCC 6.40.080).

B. The following signs require issuance of a permit by the planning division and are allowed in the above plan areas, provided they conform to the following standards and all other standards of this chapter:

1. All signs permitted in all PAS (SLTCC 6.40.130).
2. a. Under-canopy pedestrian-oriented signs shall not be counted as building signs provided they conform to the following:
 - i. Placed at right angle to pedestrian walk; and
 - ii. Located at or near the public entrance to the building; and
 - iii. Not internally illuminated; and
 - iv. Do not exceed five square feet (each side) and are a minimum of eight feet above grade of the pedestrian walk.
- b. Those under-canopy signs which do not conform to subsection (B)(2)(a) of this section shall be considered to be a building sign subject to requirements contained in SLTCC 6.40.390 through 6.40.410, and if in the Tourist Core Area Plan shall be subject to any requirements therein.
3. Building and Freestanding Signs. For information on size, location, setback, height, etc., see SLTCC 6.40.390 through 6.40.410, and if in the Tourist Core Area Plan, see SLTCC 6.40.420.

Article V. Construction Specifications

6.40.160 Construction specifications.

All signs shall be installed in compliance with the building and electrical codes as required by the city building division.

Article VI. Administration and Enforcement

6.40.170 Planning division.

The Planning division of the Development Services Department is authorized to process applications for sign permits and enforce and carry out all provisions of this chapter through a memorandum of understanding (MOU) between the TRPA and the city. The division is authorized to promulgate regulations, interpretations and procedures consistent with this function.

The division is authorized to inspect signs for code violations in accordance with applicable provisions of state and federal law.

6.40.180 Application for permits.

Application for a sign permit for the erection, relocation, or change of copy shall be approved by the planning division upon a form provided by the division. Incomplete applications shall result in the immediate return of the application to the applicant without a decision.

6.40.190 Permit fees.

All applications for a sign permit shall be accompanied by the payment of a fee based upon the city council adopted fee schedule. Failure to provide the fee at the time of application submittal shall result in the immediate return of the application to the applicant without a decision.

6.40.200 Permit issuance.

The division staff shall issue a sign permit for the erection, relocation, or change of copy provided it is in receipt of a valid application (including fee) and provided the sign conforms to all applicable laws and regulations of this chapter.

6.40.210 Revocation.

The division may revoke a sign permit for any false statement or misrepresentation of fact in the application. Any sign which has been erected, relocated, change of copy or color, based upon a false statement or misrepresentation, shall be considered an illegal sign and subject to the terms and conditions of this chapter.

6.40.220 Inspection upon completion.

Any person erecting, relocating, changing copy or color, for which a sign permit has been issued, shall notify the division when the work has been completed. The division shall inspect the sign for conformance with the permit. This inspection shall not relieve the applicant from obtaining any other inspection from other divisions or agencies.

6.40.230 Exceptions.

A. Exceptions to those design standards contained in Articles VIII and IX of this chapter may be allowed, provided the following findings can be made:

1. The situation exists whereby strict application of the standard is unfair and infeasible to the applicant; and
2. The exception is in harmony with the purpose and intent of this chapter; and
3. The approval of the exception will not have a significant effect upon other property owners or occupants of property in the vicinity.

B. In granting each exception the planning division staff may attach additional conditions necessary to carry out the spirit and purpose of this chapter in the public interest, including, but not limited to:

1. Removal of other nonconforming signs.
2. Copyrighted colors on logos. Those logos which do not conform to the standard with regard to color contrast would be allowed if the logo is placed on a dark background which would not be less than 40 percent of the sign area.
3. Reduction in sign area. This may involve the reduction in sign area for freestanding or building signs. The proposals which reduce the sign area for those signs that are visible from the scenic corridor shall provide more mitigation than those which are not.

C. A scenic analysis shall be required for any exception on a scenic threshold travel unit or recreation area. Those exemptions not on a scenic threshold travel unit or recreational area may require a scenic analysis.

D. Designated locally unique signs pursuant to SLTCC 6.40.240 may be granted exceptions in order to preserve their locally unique attributes.

6.40.240 Locally unique signs.

i. A business or property owner may apply to have a sign designated as a “locally unique” sign. The application shall be made to the city planning division on a designated form and include a fee set by the planning division fee schedule.

ii. The application will be considered by the city planning commission. Approval will be based on the following criteria:

a. The sign is in good condition and is in compliance with all building and safety code requirements;

b. The sign has historically been well maintained;

c. The sign advertises a business that is currently in operation and/or products or services currently provided by that business;

d. The sign does not degrade the scenic quality of the area;

e. The sign does not impede existing, or planned for, vehicle, transit, bicycle, or pedestrian circulation;

f. The sign demonstrates a creative and unique design or construction technique;

g. The sign is a widely recognizable icon or landmark within the city.

iii. The decision of the planning commission regarding the locally unique sign application shall be final and binding and applicant may not appeal this decision to any other decision-making body.

6.40.250 Reserved.

6.40.260 Violations.

If any sign is or has been installed or placed on any property prior to the receipt of a required city sign permit, it is in violation of this chapter. Signs in violation of this chapter shall be removed within 10 days of notification of the violation to the property owner. If not removed according to the notice, the property owner shall be subject to penalty in an amount established by resolution of the City Council. The payment of the penalty shall not relieve any person of any other requirements or penalties established by this chapter or elsewhere in the city code. Violations of this chapter may be enforced by issuance of administrative citations in accordance with Chapter 2.30 of the city code, or by any other means legally available to the City.

6.40.270 Appeals.

Decisions of city staff on the approval or denial of a permit under this chapter may be appealed pursuant to Chapter 2.35 SLTCC. Appeals of administrative citations shall be in accordance with Chapter 2.30.

Article VII. Conflict, Severability and Effective Date

6.40.280 Conflict.

If any portion of this chapter is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the city code, the provision which establishes the more restrictive standard shall prevail.

6.40.290 Severability.

If any section, subsection, sentence, clause, or phrase of this chapter or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this chapter or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

Article VIII. Sign Design Standards

6.40.300 Applicability.

The following design standards are applicable to all signs erected, relocated, or change of copy within the city, including the community plan areas unless the community plan has a standard specific to the area.

These standards have been developed to improve the scenic quality ranking of the scenic corridor.

6.40.305 Alternative design standards.

As an alternative to the design standards contained in Articles VIII and IX, at the request of a permit applicant, the design standards contained in Chapter 38 of the TRPA Code of Ordinances may be applied to the application. Signage proposed in the application shall be compliant with all TRPA standards.

6.40.310 Copy.

- A. This chapter shall not regulate the copy message.
- B. Motor fuel price signs shall comply with requirements of Section 13531 et seq. of the Business and Professions Code and TRPA Code of Ordinances section 38.10.1.
- C. Sign area containing copy required by law will not be deducted from the maximum allowable sign area, provided the copy does not exceed the minimum requirements of the law.
- D. Any increase in sign copy beyond what is required by law is allowable provided the additional area is deducted from the appropriate BRB.

6.40.320 Lighting.

- A. All illuminated signs shall have either or both indirect or diffused lighting.

Guideline. Indirect backlighting of individual letters is the encouraged method of sign illumination.

- B. Indirect lighting sources shall be shielded to prevent the light source from being visible from a public right-of-way or adjacent property.

Guideline. Methods that can be used include an enclosure that extends past the light source sufficiently that will channel the light onto the sign face and not spill light to other areas. Landscape materials and mounding may also be used. Approval of the shielding method and its design will be based on how well the standard is met.

C. The intensity of lighting shall not create a visual hazard to the public.

D. All internally illuminated signs shall have a background which transmits a limited amount of light. (For the standard, see SLTCC 6.40.350, Color.)

6.40.330 Landscaping.

A. All freestanding signs shall be placed wholly within a landscaped area. The minimum landscape area shall be equal to the city standard setback, and across the property frontage, excluding driveways. Should a sign not be located within the standard property setback, the sign shall be placed in a landscape island. The island shall have a minimum depth from each sign face/edge of 10 feet. (Also see SLTCC 6.10.150, Landscaping. Planning Commission design manual shall apply.)

Guideline. See the city design manual and SLTCC 6.10.150.

B. In the event that the landscaping provisions cannot be met as they pertain to freestanding signs, because of the physical limitations of the property, the staff may grant an exception under SLTCC 6.40.230, Exceptions.

Multiple partial compliance applications may be approved prior to the required compliance deadline; however, additional new measures towards compliance must be provided for each application.

C. A security deposit for the installation of the required sign landscaping may be allowed by the staff based on the winter ground disturbance prohibition from October 15th through April 30th of each year. Staff may place conditions, as appropriate, to ensure timely compliance.

6.40.340 Construction.

A. All supporting devices and braces shall be an aesthetic contribution to the sign structure and not a utilitarian appendage to hold up a sign, e.g., angle iron, pipes, guy wires are not allowed.

B. Freestanding signs shall be supported by two or more poles/supports or a monument base.

Guideline. The use of monument bases in conjunction with low-profile signs is encouraged.

6.40.350 Color.

A. Internally illuminated signs shall have backgrounds of a dark color, or opaque material which does not transmit light. If opaque, only the individual letters and/or symbols would be illuminated. Under day and night lighting conditions, the copy on internally illuminated signs shall be lighter than the background.

Guideline. Natural wood and high-density foam core signs which can be carved and painted consistent with the design standards, including dark backgrounds, are also encouraged.

B. Externally illuminated signs may be any color background and copy except for bright neon colors (fluorescent) and reflective colors, which are prohibited.

Guideline. Bright colors are generally discouraged on signs except when used as accent colors.

C. The color standard shall not apply to nationally registered trademarks if the color is a part of the trademark.

Guideline. The use of trademarks on natural backgrounds is encouraged.

6.40.360 Sign location.

A. The maximum height of a roof sign shall not exceed 15 feet from grade and shall be placed within a sign dormer.

For building signs more than 50 feet from the property line, no sign shall be mounted on the roof of a building or mansard roof, unless the sign is placed on a “sign dormer” which is located within the bottom one-half of the roof, as seen in elevation.

Guideline. “Sign dormers” should be designed as an architectural element and materials should be compatible with the building. Buildings with flat roofs should construct a new roof to accommodate a roof dormer for signage. The minimum roof slope should be 5:12. Individual letter signs should be used within “sign dormers” as they do not dominate the roof as do “canned” signs.

B. In the design of new buildings and major remodels, all improvements subject to design review shall identify signage locations.

Guideline. Architectural details of a building often suggest locations, size or shape of signs. Signs should complement the building and not be considered after the building is designed.

C. One freestanding sign shall be permitted per the street frontage or project area. Additional freestanding signs are allowed for parcels or project areas where there are multiple businesses if they are placed at least 100 feet apart and meet all other standards of this chapter.

D. The location (setback) of a freestanding sign is subject to the maximum height allowed per the following setback chart, but in no case shall a sign be closer than five feet, zero inches to a property line.

Guideline. Where possible a low-profile sign is encouraged.

Freestanding Sign	
Setback	Height
13 or less	10.00
14	10.25
15	10.50
16	10.75
17	11.00
18	11.25
19	11.50
20	11.75
21	12.00

6.40.370 Sign height.

A. For freestanding signs, see SLTCC 6.40.360.

B. For all other signs, including window signs and banners:

1. If a single-story building is located within 50 feet of the property line, the maximum sign height shall be 15 feet, measured from grade.
2. If a single-story building is greater than 50 feet, the maximum sign height shall be 25 feet.

C. For multi-story buildings, a building sign height over 15 feet is allowed, up to a maximum of 25 feet.

6.40.380 General sign design.

Guideline. All signs should promote the city value of enhancing the unique beauty of Lake Tahoe by adherence to a high aesthetic quality and professional construction standards.

Article IX. Sign Area Formula City-Wide

6.40.390 Concept.

Each business and multiple business complex (MBC) has a computed sign budget. From this budget, the business owner has the flexibility to apply the budget to freestanding and/or one or more building signs.

The area of each sign face shall be calculated to determine sign area. For example, a freestanding sign, at right angles to the road with each sign face being 20 square feet, has a total area of 40 square feet.

6.40.400 Computing the sign area.

The calculation is a two-step process.

A. The first step is to establish the base reference budget (BRB) for the business or MBC.

B. The second step is to calculate the individual sign area for each freestanding and building sign.

These steps are translated into the following formulas:

For Step 1, calculate the BRB for signage identifying a business

$$BRB = C \cdot D(\sqrt[2.5]{A + 80})$$

Where

A = Area of business floor space (feet)

C = 1.1 for businesses not located in a multiple business complex

= 0.9 for businesses in a multiple business complex where signage is (or will be) provided to identify the complex

= 1.0 for businesses in a multiple business complex where signage is

not (and will not) be provided to identify the complex

- D = With respect to principal customer access
 - = 1.0 where the business is accessed by one street
 - = 1.41 where the business is accessed by two streets
 - = 1.73 where the business is accessed by three streets
 - = 2.0 where the business is accessed by four streets

For Step 1, calculate the BRB for signage identifying a multiple business complex

$$BRB = D(\sqrt[2.5]{A + 80})$$

Where

- A = Area of business floor space for the entire complex (feet)
- D = With respect to principal customer access
 - = 0.50 where the business is accessed by one street
 - = 0.70 where the business is accessed by two streets
 - = 0.85 where the business is accessed by three streets
 - = 1.0 where the business is accessed by four streets

1. The BRB used to calculate the sign area for each individual sign of a business when added together shall not exceed the total BRB for that business.
2. The BRB used to calculate the sign area for each individual sign of a multiple business complex when added together shall not exceed the total BRB for that multiple business complex.
3. Freestanding sign area shall be limited to 50 percent of the BRB.

If the project area qualifies for two freestanding signs, no single freestanding sign shall be permitted more than 35 percent of the BRB.

If the project area qualifies for three freestanding signs no single freestanding sign shall be permitted more than 28 percent of the BRB.

If the project area qualifies for four freestanding signs no single freestanding sign shall be permitted more than 25 percent of the BRB.

For Step 2, calculate the sign area for an individual sign.

$$\text{new sign area} = \frac{(BRB) \bullet V \bullet S}{35} \left(1 + \frac{H}{250}\right)^2$$

Where

- S = Vehicle speed limit on the street where the sign is to be viewed from (in miles per hour)
- H = Height of the sign (as measure from finish grade to the top of the sign; in feet. Maximum height is 26 feet)
- V = Horizontal viewing distance coefficient (as determined by the following chart)

Setback and Angle Table

Setback Footage		Angle Values						
Greater Than	Less Than or Equal	0 to 15	16 to 30	31 to 45	46 to 60	61 to 75	76 to 90	
>5 ft.	< = 50 ft.	0.50	0.60	0.70	0.80	0.90	1.00	
>50 ft.	< = 100 ft.	0.55	0.65	0.75	0.85	0.95	1.05	
>100 ft.	< = 150 ft.	0.60	0.70	0.80	0.90	1.00	1.10	
>150 ft.	< = 200 ft.	0.65	0.75	0.85	0.95	1.05	1.15	
>200 ft.	< = 250 ft.	0.70	0.80	0.90	1.00	1.10	1.20	
>250 ft.	< = 300 ft.	0.75	0.85	0.95	1.05	1.15	1.25	
>300 ft.	< = 350 ft.	0.80	0.90	1.00	1.10	1.20	1.30	
>350 ft.	< = 400 ft.	0.85	0.95	1.05	1.15	1.25	1.35	

Setback Footage		Angle Values					
Greater Than	Less Than or Equal	0 to 15	16 to 30	31 to 45	46 to 60	61 to 75	76 to 90
>400 ft.	< = 450 ft.	0.90	1.00	1.10	1.20	1.30	1.40
>450 ft.	< = 500 ft.	0.95	1.05	1.15	1.25	1.35	1.45
>500 ft.		1.00	1.10	1.20	1.30	1.40	1.50

C. The following shall not be considered sign area:

1. Pedestrian signs;
2. Temporary signs;
3. Temporary window signs;
4. Sign embellishments.

Article X. Tourist Core Area Plan

6.40.420 Tourist core area plan.

The tourist core area plan establishes policy and standards applicable to all signage within the boundaries of the plan area. The policies and standards contained within the tourist core area plan shall be applied to all future signage or modifications to signage within the plan area.

SECTION 2. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

SECTION 4. This ordinance shall become effective thirty days after the date of its adoption.

Adopted by the City of South Lake Tahoe City Council on June 23, 2020 by the following vote:

Yes:
No:
Abstain:
Absent:

Date:_____

Jason Collin, Mayor

Attest:

Susan Blankenship, City Clerk

First Reading:
Published:
Effective:

580 Mallory Way, Carson City, NV 89701
P.O. Box 1888 Carson City, NV 89702
(775) 881-1201 FAX: (775) 887-2408

Customer Account #: 1065746

Legal Account

CITY OF SOUTH LAKE TAHOE/ CITY CLERK,
1901 AIRPORT RD STE: 206
SOUTH LAKE TAHOE, CA 96150
Attn: Sue

Lee Anna Strandberg says:

That (s)he is a legal clerk of the
Tahoe Daily Tribune,
a newspaper published Friday
at South Lake Tahoe, in the State of California.

Copy Line

Sign Ordinance

PO#:

Ad #: 0000589228-01

of which a copy is hereto attached, was published
in said newspaper for the full required period of
1 time(s) commencing on **06/12/2020**,
and ending on **06/12/2020**, all days inclusive.

Signed: 
Date: 06/15/2020 State of Nevada, Carson City

This is an Original Electronic Affidavit.

Price: \$ 119.30

Proof and Statement of Publication

Ad #: 0000589228-01

CITY OF SOUTH LAKE TAHOE
SUMMARY OF ORDINANCE

NOTICE IS HEREBY GIVEN that on June 9, 2020, the City of South Lake Tahoe City Council waived first reading, read by title, and referred to second reading and adoption at the June 23, 2020 City Council meeting of the following ordinance:

"An Ordinance Repealing and Replacing Title 6, Chapter 6.40 of the South Lake Tahoe City Code, Related to Signs and Advertising Structures."

City Attorney's Summary of Ordinance:

"This ordinance would amend the City's sign regulations to ensure to ensure that they are content neutral, comply with federal law, and are enforceable. The proposed amendments remove the following sign classifications which may be considered content-based: directional/informational signs, memorial signs, real estate/open house signs, political signs, and garage sale signs, and instead establishes regulations for signs in commercial and residential areas and temporary versus permanent signs."

A copy of the proposed ordinance in its entirety is available for review in the City Clerk's Office located at 1901 Lisa Maloff Way, South Lake Tahoe, California.

/s/ Susan Blankenship
Elected City Clerk
City of South Lake Tahoe
1901 Lisa Maloff Way, Ste 206
South Lake Tahoe, Ca 96150
(530) 542-6005

Publication: June 12, 2020

Ad #0000589228

City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: June 23, 2020

Agenda Item #: 4.



Agenda Item: Water Efficient Landscape Ordinance (Second Reading)

Executive Summary: The purpose of this ordinance is to comply with the State of California's Model Water Efficient Landscape Ordinance (MWELO). The MWELO is a state regulation designed to prevent water from being wasted on irrigated landscapes. The MWELO was enacted in 1993 from the 1990 Water Conservation and Landscaping Act and was updated in 2015 (Executive Order B-29-15).

The law directs Land Use Authorities (cities and counties) to ensure MWELO compliance on development projects with landscaped areas of 500 square feet or more or rehabilitation of existing landscape areas greater than 2,500 square feet. The ordinance applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review. All land use authorities are responsible for adopting, implementing, and enforcing the ordinance or adopting a more stringent ordinance.

Requested Action / Suggested Motions: Pass an Ordinance amending Title 6, Chapters 6.10.150 and 6.10.170 and adding Title 6, Chapter 6.80 of the South Lake Tahoe City Code, Water Efficient Landscape Ordinance.

Responsible Staff Member: John Hitchcock, Planning Manager

Responsible Staff Member: John Hitchcock, Planning Manager (530) 542-7472

Reviewed and Approved By:

Susan Blankenship, City Clerk

Debbie McIntyre, Director of Administrative Services

Heather Stroud, City Attorney

Attachments:

[01-Staff Report Water-Efficient Landscape](#)

[02-Ordinance](#)

[03-Proof of Publication](#)



City of South Lake Tahoe

Report to City Council

Meeting Date: June 23, 2020

Title: Water Efficient Landscape Ordinance (Second Reading)

Location: Citywide

Responsible Staff Member: John Hitchcock, Planning Manager (530) 542-7472

Background:

The purpose of this ordinance is to comply with the State of California's Model Water Efficient Landscape Ordinance (MWELO). The MWELO is a state regulation designed to prevent water from being wasted on irrigated landscapes. The law is important because about half of the water directed to urban areas is used on irrigated landscapes. The MWELO was enacted in 1993 from the 1990 Water Conservation and Landscaping Act and was updated in 2015 (Executive Order B-29-15) at the height of the drought.

The law directs Land Use Authorities (cities and counties) to ensure MWELO compliance on development projects with landscaped areas of 500 square feet or more or rehabilitation of existing landscape areas greater than 2,500 square feet. The ordinance applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review. All land use authorities are responsible for adopting, implementing, and enforcing the ordinance or adopting a more stringent ordinance.

Issue and Discussion:

City staff has modeled the proposed Water Efficient Landscape Ordinance (WELO) after the MWELO with minor modifications to ensure consistency with existing TRPA ordinances regulating the use of gray water and recycled water, best management practices (BMPs), and defensible space requirements. The following modifications are proposed:

1. The WELO removes references to the use of gray water and recycled water. Pursuant to the Porter-Cologne Act and TRPA regulations, the discharge of domestic, municipal, or industrial wastewater to Lake Tahoe, its tributaries, the ground waters of the Tahoe region, or the Truckee River is prohibited.
2. To ensure consistency with defensible space requirements, the WELO requires landscaped areas within five feet of a structure to use inorganic mulch (i.e., rock, gravel) or well irrigated herbaceous vegetation.
3. To ensure consistency with TRPA's BMP requirements, all plants selected for landscaping are required to be consistent with the TRPA Home Landscaping Guide for Lake Tahoe and Vicinity and TRPA's recommended plant species list.

All other provisions of the state MWELO are proposed to be incorporated in the City's Ordinance.

The main focus of the City WELO encourages the use of native, low water use plants and reduces the water allowance for landscaped areas that can be planted with high water use plants such as turf. However, the WELO does have provisions to allow for edible gardens (e.g., vegetable gardens), which require a higher level of water usage. The WELO also requires irrigation systems to install pressure regulators, master shut-off valves, and high-efficiency sprinklers that meet national standards.

The proposed WELO will apply to all residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review and meet the following criteria:

1. New construction projects with an aggregate landscape area equal to or greater than 500 square feet.
2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet.
3. Existing landscape installed prior to the adoption of this ordinance.
4. Cemeteries.

The WELO will not apply to registered local, state or federal historical sites, ecological restoration projects, and existing plant collections that are part of botanical gardens and arboretums open to the public.

The WELO establishes two methodologies for compliance with the ordinance: Performance-based compliance and prescriptive based compliance.

Prescriptive compliance applies to projects with an aggregate landscape area between 500 square feet and 2,500 square feet. To comply with the WELO, the project must implement prescriptive measures that include but are not limited to:

- Limiting turf to 25 percent of the landscape area for residential uses and no turf permitted for non-residential uses.
- Incorporating compost.
- Incorporating mulch in all exposed surfaces of planting area unless direct seeding is used.
- Installing automatic irrigation controllers with moisture and rain sensors and backup power.

Project applicant will be required to submit a prescriptive compliance form certifying that they agree to comply with the requirements of the WELO and implement the required prescriptive measures.

For all other projects with aggregate landscape areas equal to or greater than 2,500 square feet, the project is required to meet the performance standards of the WELO. To comply with the WELO, projects are required to submit a Landscape Documentation Package to the Development Services Department for approval prior to the issuance of a building permit. The Landscape Documentation Package is required to include the following six elements:

1. Project information
2. Water efficient landscape worksheet
3. Soil management report

4. Landscape design plan
5. Irrigation design plan
6. Grading design plan

Upon completion of a project, the permittee is required to submit a Certificate of Completion to the Development Services Department for final approval.

The City is required to report annually to the Department of Water Resources (DWR) by January 31st of each year for the previous calendar year. The City is required to report if it's using the MWELo or a locally modified WELo, and if using a modified WELo, how it is different, and how efficient is the modified WELo. Also, the report must include the following:

- the number and types of projects subject to the WELo,
- total landscape area in acreage subject to the WELo,
- the number of housing starts, new commercial projects, and landscape retrofits,
- enforcement measures and actions to verify compliance, and
- enforcement challenges.

For existing landscapes over one acre in size with installed water meters the WELo requires local agencies to develop and administer programs to evaluate water use and provide recommendations as necessary to reduce water use to a level that does not exceed the maximum water allowance permitted by the WELo. For landscapes without water meters, the local agencies are required to evaluate water use and provide recommendations as necessary to prevent water waste. Local agencies are also required to avoid wastewater by prohibiting runoff from leaving the landscape areas. Currently, the South Tahoe Public Utility District Administrative Code prohibits water from flowing over ground surfaces or from sprinklers onto impervious surfaces or adjacent properties (STPUD Administrative Code Section 3.4.3), and violations of this prohibition is subject to administrative fines.

For new and rehabilitated landscapes in cemeteries, the landscapes are subject to the maximum water allowance permitted by the WELo, are required to be maintained to ensure water use efficiency, and a regular maintenance schedule submitted with the Certificate of Completion.

On May 21, 2020, the Planning Commission passed Resolution 2020-10 recommending the City Council adopt an ordinance amending Title 6, Chapters 6.10.150 and 6.10.170 and adding Title 6, Chapter 6.80 of the South Lake Tahoe City Code, Water Efficient Landscape Ordinance.

Environmental Considerations:

The proposed adoption of the ordinance is exempt from environmental review under CEQA, pursuant to Section 15061(b)(3), Review for Exemptions – Common Sense Rule, in that it can be seen with certainty that there is no possibility for this action to have a significant effect on the environment, and individual development applications will be reviewed under CEQA as they are proposed.

Adoption of this ordinance would enact changes in land use regulations adding additional regulations for installing and retrofitting landscapes and irrigation systems, and it can be seen with certainty that its adoption will not have a significant effect on the environment because it will reduce water usage than previously allowed under existing local regulations.

The proposed adoption is also exempt from environmental review under CEQA, pursuant to Section 15308 which consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

Financial Implications:

The fiscal impacts associated with the ordinance are the costs associated with staff time to prepare the ordinance and staff report. Applicable fees to cover the cost of reviewing projects for compliance with the WELO will be included in the next Master Fee Schedule update in 2021.

Policy Implications:

The adoption of the proposed ordinance would bring the City Code into alignment with the California Code of Regulations.

The proposed ordinance is also consistent with the following General Plan policies:

Policy LU-9.7: Native Drought-Resistant Landscape – The City shall encourage the use of native, drought-resistant landscaping in new and existing development.

Policy LU-10.1 Inter-Agency Coordination – The City shall coordinate with all regional, State, and Federal agencies and special districts to ensure that their planning efforts within the city limits are consistent with the City of South Lake Tahoe's General Plan.

Policy PQP-2.4: Sustainable Water Use - The City shall encourage efficient practices that ensure water is used in a sustainable manner.

Policy PQP-2.6: Water Efficiency – The City shall encourage residents, visitors, and businesses to use water more efficiently in homes, businesses, and landscapes, and manage runoff that maintains natural hydrological regimes.

Ordinance 2020-XXX

**Adopted by the City of South Lake Tahoe
City Council**

June 23, 2020

An Ordinance Amending Title 6, Chapters 6.10.150 and 6.10.170 and Adding Title 6, Chapter 6.80 of the South Lake Tahoe City Code, Water Efficient Landscape Ordinance

FINDINGS

- A. The Water Conservation in Landscaping Act of 2006 was enacted for the purpose of establishing standards for water efficient landscaping.
- B. California Department of Water Resources was tasked with developing a Model Water Efficient Landscaping Ordinance.
- C. Agencies must develop their own Water Efficient Landscaping Ordinance as strict as or more stringent than the model created by Department of Water Resources.
- D. Government Code section 65853 et seq. requires the Planning Commission to conduct a public hearing and provide a written recommendation to the City Council on any new zoning ordinance or regulation of the use of land.
- E. On May 21, 2020, the Planning Commission conducted a public hearing and considered City Code amendments to comply with Government Code 6559, et seq.
- F. The Planning Commission adopted Resolution 2020-10 recommending the City Council adopt an ordinance amending Title 6, Chapters 6.10.150 and 6.10.170 and adding Title 6, Chapter 6.80 of the South Lake Tahoe City Code, Water Efficient Landscape Ordinance.

Now, Therefore, the City Council of City of South Lake Tahoe does ordain as follows:

SECTION 1. Title 6, Chapters 6.10.150 (Landscaping) and 6.10.170 (Water Conservation) are amended to read as follows:

6.10.150 Landscaping.

Landscaping can be used to successfully integrate the built environment into the natural environment. It can also provide pleasant outdoor spaces for people, mitigate noise and air quality impacts, and help screen undesirable elements. Regional climatic and physiographic conditions generally impact landscape and plant materials and must be taken into account early in the design process. It is recommended that landscape design and planning take advantage of the different visual environments in formulating a design theme or concept as well as to conserve water.

1. Standard: Landscape and irrigation plans shall conform to the water efficient landscape ordinance in Chapter 6.80.

2. Standard: Species on the TRPA recommended native and adapted plant list shall be used for lawns and landscaping. Modifications to these standards may be considered on a case-by-case basis by both the city and TRPA.

Plant species not found on the recommended native and adapted plant list may be used minimally in the landscape as accent plantings. Such plants shall be limited to borders, entry ways, flower beds, and other similar locations to provide accents to the overall native or adapted landscape design.

3. Standard: Minimum plant sizes and spacing for projects other than single-family home projects and erosion control/revegetation projects; the following spacing shall be required for woody plant materials at time of planting:

a. Trees shall be a minimum of six feet tall or one and one-half-inch diameter at breast height.

b. Shrubs shall be a minimum of three-gallon pot size where upright shrubs have a minimum height of 18 inches and minimum spread of 18 inches, and spreading shrubs have a minimum spread of 18 to 24 inches.

c. Ground covers shall be a minimum four-inch pot size or one-gallon container and shall be a maximum 24 inches on center spacing.

4. Standard: US 50 Landscape Concept.

a. To create a clean and attractive edge to the built environment, a turf edge shall be installed along the highway frontage at a minimum, between the curb line and the sidewalk, except at:

i. Locations of existing or restored meadows; or

ii. Where a significant length of frontage is not developed and has existing natural vegetation.

b. To restore a vertical natural element to the highway and to reduce the impact of the built environment, each property shall be responsible for having randomly spaced evergreen trees within the front yard setback, said evergreen trees shall be Jeffrey Pine or approved equal. The number of trees required shall be based on a ratio of one tree per 35 feet of highway frontage. The exception to this standard shall be meadows and lake views which front on US 50. In those cases, the trees and shrubs shall be thinned or removed to "frame" or open views of the meadows or the lake. The depth of the removal or thinning shall be based on the design review process.

5. Standard: Obstruction of Views. New landscaping shall not be located in such a manner that would create safety problems or obstruct significant views, either when first installed or upon maturity.

6. Standard: Landscaped Setbacks. All structures shall have a landscaped setback (either existing natural vegetation or introduced plantings) from any public roadway. The existing practice of having no landscaping between the facade of a structure and the roadway is not allowed.

6.10.170 Water conservation.

Water conservation is accepted as a practical and economical water management technique. Water conservation measures increase water supplies, save energy, and save money. Residential water use includes water used indoors and outdoors. The largest share of that typically is used for landscape irrigation. Bathroom fixtures typically account for the largest share of indoor water use. Water-using fixtures and appliances have in the past been designed with little or no regard for water efficiency. Today's appliances, however, are designed with a greater sensitivity toward efficiency.

1. Standard: Water conservation devices shall be installed in new facilities or when replaced in existing facilities.

2. Standard: Irrigation systems shall conform with the water efficient landscape ordinance contained in Chapter 6.80.

SECTION 2. Title 6 of the South Lake Tahoe City Code is amended by adding Chapter 6.80.010 through 6.80.220 as follows:

6.80.010 Purpose.

(a) The purpose of the landscaping standards contained in this article is to comply with the Water Conservation in Landscaping Act of 2006, [Government Code](#) Sections 65591 et. seq. and to establish standards and procedures that promote the design, installation and management of water efficient landscaping. These standards may be reviewed and updated, as required.

6.80.020 Applicability.

(a) The provisions of this article shall apply to all the following landscape projects within the City of South Lake Tahoe, except as otherwise noted:

(1) New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building permit, plan check or design review;

(2) Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building permit, plan check, or design review;

(3) Existing landscapes installed prior to the effective date of the ordinance codified in this article and not rehabilitated are limited to Sections 6.80.180 and 6.80.190; and

(4) Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 6.80.060, 6.80.130, and 3.80.140; and existing cemeteries are limited to Sections 6.80.180 and 6.80.190.

(b) Any project with an aggregate landscape area between 500 square feet and 2,500 square feet may comply with the performance requirements of this ordinance by completing and submitting the City of South Lake Tahoe Prescriptive Compliance Form.

(c) This ordinance does not apply to:

(1) Registered local, state or federal historical sites;

(2) Ecological restoration projects that do not require a permanent irrigation system;

(3) Mined-land reclamation projects that do not require a permanent irrigation system; or

(4) Existing plant collections, as part of botanical gardens and arboretums open to the public.

6.80.030 Definitions.

The terms used in this ordinance have the meaning set forth below:

(a) “applied water” means the portion of water supplied by the irrigation system to the landscape.

(b) “automatic irrigation controller” means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

(c) “backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

(d) “Certificate of Completion” means the document required under Section 6.80.110.

(e) “certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

(f) “certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

- (g) “check valve” or “anti-drain valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- (h) “common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- (i) “compost” means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.
- (j) “conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year.
- (k) “distribution uniformity” means the measure of the uniformity of irrigation water over a defined area.
- (l) “drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (m) “ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (n) “effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.
- (o) “emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.
- (p) “established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
- (q) “establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.
- (r) “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in Section 6.80.060.
- (s) “ET adjustment factor” (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

(t) “evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

(u) “flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

(v) “flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

(w) “friable” means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

(x) “Fuel Modification Plan Guideline” means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

(y) “hardscapes” means any durable material (pervious and non-pervious).

(z) “hydrozone” means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

(aa) “infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

(bb) “invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

(cc) “irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency “Watersense” labeled auditing program.

(dd) “irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.

(ee) “irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to inspection, system test, and written recommendations to improve performance of the irrigation system.

(ff) “irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.

(gg) “landscape architect” means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

(hh) “landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

(ii) “landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

(jj) “Landscape Documentation Package” means the documents required under Section 6.80.050.

(kk) “landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this ordinance, meeting requirements under Section 6.80.020.

(ll) “landscape water meter” means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

(mm) “lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

(nn) “local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.

(oo) “low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(pp) “main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.

(qq) “master shut-off valve” is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

(rr) “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 6.80.060. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. $MAWA = (ET_o) (0.62) [(ETAF \times LA) + ((1 - ETAF) \times SLA)]$

(ss) “median” is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

(tt) “microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

(uu) “mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

(vv) “mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

(ww) “new construction” means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

(xx) “non-residential landscape” means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

(yy) “operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

(zz) “overhead sprinkler irrigation systems” or “overhead spray irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).

(aaa) “overspray” means the irrigation water which is delivered beyond the target area.

(bbb) “parkway” means the area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.

(ccc) “permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

(ddd) “pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.

(eee) “plant factor” or “plant water use factor” is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the publication “Water Use Classification of Landscape Species”. Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

(fff) “project applicant” means the individual or entity submitting a Landscape Documentation Package required under Section 6.80.050, to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.

(ggg) “rain sensor” or “rain sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.

(hhh) “record drawing” or “as-builts” means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

(iii) “recreational area” means areas, excluding private single-family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

(jjj) “reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances so that regional differences in climate can be accommodated.

(kkk) “Regional Water Efficient Landscape Ordinance” means a local Ordinance adopted by two or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.

(lll) “rehabilitated landscape” means any relandscaping project that requires a permit, plan check, or design review, meets the requirements of Section 6.80.020, and the modified landscape area is equal to or greater than 2,500 square feet.

(mmm) “residential landscape” means landscapes surrounding single or multifamily homes.

(nnn) “run off” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

(ooo) “soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

(ppp) “soil texture” means the classification of soil based on its percentage of sand, silt, and clay.

(qqq) “Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

(rrr) “sprinkler head” or “spray head” means a device which delivers water through a nozzle.

(sss) “static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.

(www) “station” means an area served by one valve or by a set of valves that operate simultaneously.

(ttt) “swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

(uuu) “submeter” means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

(vvv) “turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

(www) “valve” means a device used to control the flow of water in the irrigation system.

(xxx) “water conserving plant species” means a plant species identified as having a very low or low plant factor.

(yyy) “water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high-water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

(zzz) “watering window” means the time of day irrigation is allowed.

(aaaa) “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources 2014.

6.80.040 Provisions for New Construction or Rehabilitated Landscapes.

(a) Prior to construction or issuance of a building or grading permit, the project applicant for a new construction or rehabilitated landscape project as described in Section 6.80.020, shall submit a complete landscape documentation package to the Development Services Department for review and approval.

(b) Upon approval of the Landscape Documentation Package by the Development Services Department, the project applicant shall:

(1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;

(2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and

(3) submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

(c) Upon completion of the landscape project and prior to final City approval of the permit or occupancy, the project applicant shall submit a completed Certificate of Completion as described in Section 6.80.110, to the Development Services Department for review and approval.

6.80.050 Landscape Documentation Package Requirements.

(a) The Landscape Documentation Package shall include the following:

(1) Project information;

(A) Date

(B) Project applicant

(C) Project address (if available, parcel and/or lot number(s))

(D) Total landscape area (square feet)

(E) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)

(F) Water supply type (e.g., potable, well) and identify the local retail water purveyor if the applicant is not served by a private well

(G) Checklist of all documents in Landscape Documentation Package

(H) Project contacts to include contact information for the project applicant and property owner

(l) Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".

(2) Water Efficient Landscape Worksheet;

(A) Hydrozone information table

(B) Water budget calculations

1. Maximum Applied Water Allowance (MAWA)

2. Estimated Total Water Use (ETWU)

3. Soil management report;

4. Landscape design plan;

5. Irrigation design plan; and

6. Grading design plan.

(b) All required reports and plans shall be provided in a form determined acceptable by the Director of Development Services and shall be subject to city review and approval.

6.80.060 Water Efficient Landscape Worksheet.

(a) A project applicant shall complete the city's Water Efficient Landscape Worksheet which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas.

(1) In calculating the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the following ETo values:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
0.7	0.7	1.7	3.0	4.3	5.4	6.1	5.6	4.1	2.4	0.8	0.6	35.5

(b) Water budget calculations shall adhere to the following requirements:

(1) The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

(2) All water features shall be included in the high-water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

(3) All Special Landscape Areas shall be identified, and their water use calculated.

(4) ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

6.80.070 Soil Management Report.

(a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

(1) Submit soil samples to a laboratory for analysis and recommendations.

(A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

(B) The soil analysis shall include:

1. Soil texture;

2. infiltration rate determined by laboratory test or soil texture infiltration rate table;

3. pH;

4. Total soluble salts;

5. Sodium;

6. Percent organic matter; and

7. Recommendations.

(C) In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.

(2) The project applicant, or his/her designee, shall comply with one of the following:

(A) If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Landscape Documentation Package; or

(B) If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.

(3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

(4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with Certificate of Completion.

6.80.080 Landscape Design Plan.

(a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) Plant Material

(A) All plants selected for the landscape shall be consistent with the Tahoe Regional Planning Agency Home Landscaping Guide for Lake Tahoe and Vicinity, provided the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. Methods to achieve water efficiency shall include one or more of the following:

1. protection and preservation of native species and natural vegetation;
2. selection of water-conserving plant, tree and turf species, especially local native plants;
3. selection of plants based on local climate suitability, disease and pest resistance;
4. selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area; and
5. selection of plants from local and regional landscape program plant lists.
6. selection of plants from local Fuel Modification Plan Guidelines.

(B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 6.80.090(a)(2)(D).

(C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

1. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
2. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; allow for adequate soil volume for healthy root growth; and
3. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(E) High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

(F) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the most recent edition of the local Living with Fire – A Guide for the Homeowner, Lake Tahoe Basin.

(G) The use of invasive plant species, such as those listed by the California Invasive Plant Council and the State of Nevada Department of Agriculture, is strongly discouraged.

(H) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water-use plants as a group.

(2) Water Features

(A) Recirculating water systems shall be used for water features.

(B) Surface area of a water feature shall be included in the high-water use hydrozone area of the water budget calculation.

(C) Pool and spa covers are highly recommended.

(3) Soil Preparation, Mulch and Amendments

(A) Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

(B) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 6.80.070).

(C) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top 6 inches of soil are exempt from adding compost and tilling.

(D) Non-combustible inorganic mulch (i.e., rock, gravel) or well irrigated herbaceous vegetation shall be used within 5 feet of any structure. For all other areas a minimum three-inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide

habitat for beneficial insects and other wildlife, up to 5% of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(E) Stabilizing mulching products shall be used on slopes that meet current engineering standards.

(F) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(G) Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Non-combustible e inorganic mulch or well irrigated herbaceous vegetation shall be used within 5 feet of any structure.

Organic mulch materials are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

(b) The landscape design plan, at a minimum, shall:

(1) Delineate and label each hydrozone by number, letter, or other method;

(2) Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;

(3) Identify recreational areas;

(4) Identify areas permanently and solely dedicated to edible plants;

(5) Identify areas irrigated with recycled water;

(6) Identify type of mulch and application depth;

(7) Identify soil amendments, type, and quantity;

(8) Identify type and surface area of water features;

(9) Identify hardscapes (pervious and non-pervious);

(10) Identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the local agency or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in Section 6.80.160.

(11) Identify any applicable rain harvesting or catchment technologies as discussed in Section 6.80.160 and their 24-hour retention or infiltration capacity;

(12) Contain the following statement: “I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan”; and

(13) Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.).

6.80.090 Irrigation Design Plan.

(a) This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

(A) Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 sq. ft. but not more than 5,000 sq. ft. (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000 sq. ft. or greater. A landscape water meter may be either:

1. a customer service meter dedicated to landscape use provided by the local water purveyor; or
2. a privately-owned meter or submeter.

(B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

(C) If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

- (D) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- (E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- (F) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.
- (G) Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of 5000 sq. ft. or larger.
- (H) Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
- (I) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- (J) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- (K) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- (L) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 6.80.060 regarding the Maximum Applied Water Allowance.
- (M) All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard, All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
- (N) It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- (O) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

- (P) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- (Q) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- (R) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.
- (S) Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.
- (T) Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
- (U) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 3. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 6.80.090(a)(1)(I). Prevention of overspray and runoff must be confirmed during the irrigation audit.
- (V) Slopes greater than 25% shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(2) Hydrozone

- (A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- (B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

(C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

(D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high-water use, may be allowed if:

1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
2. the plant factor of the higher water using plant is used for calculations.

(E) Individual hydrozones that mix high and low water use plants shall not be permitted.

(F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table. This table can also assist with the irrigation audit and programming the controller.

(b) The irrigation design plan, at a minimum, shall contain:

- (1) location and size of separate water meters for landscape;
- (2) location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
- (3) static water pressure at the point of connection to the public water supply;
- (4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- (5) the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
- (6) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.

6.80.100 Grading Design Plan.

(a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

(1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

(A) Height of graded slopes;

(B) Drainage patterns;

(C) Pad elevations;

(D) Finish grade; and

(E) Stormwater retention improvements, if applicable.

(2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:

(A) Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

(B) Avoid disruption of natural drainage patterns and undisturbed soil; and

(C) Avoid soil compaction in landscape areas.

(3) The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

6.80.110 Certificate of Completion.

(a) The Certificate of Completion form shall be certified by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;

(A) where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;

(B) A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.

(1) irrigation scheduling parameters used to set the controller (see Section 6.80.120);

(2) landscape and irrigation maintenance schedule (see Section 6.80.130);

(3) irrigation audit report (see Section 6.80.140; and

(4) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 6.80.070).

(b) Upon completion of the landscape project and prior to final approval of the permit or occupancy, the project applicant shall:

(1) Submit the signed Certificate of Completion to the Development Services Department for review;

(2) Ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.

(c) Upon submittal of the completed Certificate of Completion, Development Services Department shall:

(1) Receive the signed Certificate of Completion from the project applicant;

(2) Approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the City shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

6.80.120 Irrigation Scheduling.

(a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

(1) Irrigation scheduling shall be regulated by automatic irrigation controllers.

(2) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:

(A) The plant establishment period;

(B) The established landscape; and

(C) Temporarily irrigated areas.

(5) Each irrigation schedule shall consider for each station all of the following that apply:

(A) Irrigation interval (days between irrigation);

(B) Irrigation run times (hours or minutes per irrigation event to avoid runoff);

(C) Number of cycle starts required for each irrigation event to avoid runoff;

- (D) Amount of applied water scheduled to be applied on a monthly basis;
- (E) Application rate setting;
- (F) Root depth setting;
- (G) Plant type setting;
- (H) Soil type;
- (I) Slope factor setting;
- (J) Shade factor setting; and
- (K) Irrigation uniformity or efficiency setting.

6.80.130 Landscape and Irrigation Maintenance Schedule.

- (a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- (b) A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- (c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
- (d) A project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

6.80.140 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- (a) All landscape irrigation audits shall be conducted by a local agency landscape irrigation auditor or a third-party certified landscape irrigation auditor.
- (b) For new construction and rehabilitated landscape projects installed after adoption of the ordinance codified in this article, as described in Section 6.80.020:
 - (1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the City of South Lake Tahoe that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming;

(2) the City of South Lake Tahoe may administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

6.80.150 Irrigation Efficiency.

(a) For the purpose of determining Estimated Total Water Use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.

6.80.160 Stormwater Management.

(a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.

(b) Projects shall comply with applicable city requirements for stormwater best management practices as detailed in Chapter 7.15 of the City Code. Measures shall be incorporated and shown in the applicable plans subject to review and approval.

(c) Landscape areas shall be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) for a 20-year, one-hour rain event.

6.80.170 Public Education.

(a) The City of South Lake Tahoe and/or water supplier/purveyor shall provide information to owners of permitted renovations and new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.

6.80.180 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

(a) This section, 6.80.180, shall apply to all existing landscapes that were installed prior to the effective date of this ordinance and are over one acre in size.

(1) For all landscapes in 6.80.180(a) that have a water meter, the City of South Lake Tahoe in collaboration with local water purveyors shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8) (ET_o) (LA) (0.62)$.

(2) For all landscapes in 6.80.180(a), that do not have a meter, the City of South Lake Tahoe in collaboration with local water purveyors shall administer programs that may include, but not be

limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

(b) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

6.80.190 Water Waste Prevention.

(a) Runoff is prohibited from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.

(b) Notwithstanding subsection (a), runoff may leave the target landscape if:

(1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or

(2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

6.80.200 Effective Precipitation.

(a) A City of South Lake Tahoe may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

$MAWA = (ETo - Eppt) (0.62) [(0.55 \times LA) + (0.45 \times SLA)]$ for residential areas.

$MAWA = (ETo - EPPT) (0.62) [(0.45 \times LA) + (0.55 \times SLA)]$ for non-residential areas.

6.80.210 Fees.

(a) The City of South Lake Tahoe may establish fees for necessary review and inspections related to the requirements of this article.

6.80.220 Penalties.

(a) Failure to comply with the requirements of this chapter may result in administrative citations and fines in accordance with chapter 2.30 of this code.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

SECTION 5. This ordinance shall become effective thirty days after the date of its adoption.

Adopted by the City of South Lake Tahoe City Council on June 23, 2020 by the following vote:

Yes:

No:

Abstain:

Absent:

Date: _____

Jason Collin, Mayor

Attest:

Susan Blankenship, City Clerk

First Reading: June 9, 2020

Published: June 12, 2020

Effective:

580 Mallory Way, Carson City, NV 89701
P.O. Box 1888 Carson City, NV 89702
(775) 881-1201 FAX: (775) 887-2408

Customer Account #: 1065746

Legal Account

CITY OF SOUTH LAKE TAHOE/ CITY CLERK,
1901 AIRPORT RD STE: 206
SOUTH LAKE TAHOE, CA 96150
Attn: Sue

Lee Anna Strandberg says:

That (s)he is a legal clerk of the
Tahoe Daily Tribune,
a newspaper published Friday
at South Lake Tahoe, in the State of California.

Copy Line

Landscape Ordinance

PO#:

Ad #: 0000589225-01

of which a copy is hereto attached, was published
in said newspaper for the full required period of
1 time(s) commencing on **06/12/2020**,
and ending on **06/12/2020**, all days inclusive.

Signed: _____



Date: 06/15/2020 State of Nevada, Carson City

This is an Original Electronic Affidavit.

Price: \$ 152.13

Proof and Statement of Publication

Ad #: 0000589225-01

**CITY OF SOUTH LAKE TAHOE
SUMMARY OF ORDINANCE**

NOTICE IS HEREBY GIVEN that on June 9, 2020, the City of South Lake Tahoe City Council waived first reading, read by title, and referred to second reading and adoption at the June 23, 2020 City Council meeting of the following ordinance:

"An Ordinance Amending the City Code Title 6, Chapters 6.10.150 and 6.10.170 and adding Title 6, Chapter 6.80 of the South Lake Tahoe City Code, Water Efficient Landscape Ordinance."

City Attorney's Summary of Ordinance:

"This ordinance ensures that the City complies with the Water Conservation in Landscaping Act of 2006, which requires agencies to develop their own Water Efficient Landscaping Ordinance as strict as or more stringent than the model created by Department of Water Resources. This ordinance sets forth rules regarding design, installation, and management of water efficient landscaping. The ordinance encourages the use of native, low water use plants and reduces the water allowance for landscaped areas that can be planted with high water use plants such as turf. The ordinance has provisions to allow for vegetable gardens which require a higher level of water usage. The ordinance requires irrigation systems to have pressure regulators, master shut-off valves, and high-efficiency sprinklers that meet national standards. The ordinance will apply to all residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review and meet the following criteria: (1) new construction projects with an aggregate landscape area equal to or greater than 500 square feet; and (2) rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet. Existing landscape installed prior to the adoption of this ordinance and cemeteries are subject to irrigation audit and water waste prevention requirements."

A copy of the ordinance in its entirety is available for review in the City Clerk's Office located at 1901 Lisa Maloff Way, South Lake Tahoe, California.

/s/ Susan Blankenship

Elected City Clerk

City of South Lake Tahoe
1901 Lisa Maloff Way, Ste 206
South Lake Tahoe, Ca 96150
(530) 542-6005

Publication: June 12, 2020

Ad #0000589225

City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: June 23, 2020

Agenda Item #: 5.



Agenda Item: Position Reclassification and Amendment to Salary Table

Executive Summary: City Council will consider the formal reclassification of the existing Management Analyst - Administrative Services to Executive Assistant to the City Manager. The new classification will provide much needed administrative assistance to the City Manager.

Requested Action / Suggested Motions: Pass a Resolution approving reclassification of Management Analyst – Administrative Services to Executive Assistant to the City Manager and Change to Salary Table.

Responsible Staff Member: Tom Stuart, Human Resource Manager

Responsible Staff Member: Tom Stuart, Human Resources Manager (530) 542-6052

Reviewed and Approved By:

Susan Blankenship, City Clerk

Debbie McIntyre, Director of Administrative Services

Heather Stroud, City Attorney

Attachments:

[01-Staff Report Management Analyst - CM Reclass.docx](#)

[02-Resolution Reclassification Management Analyst](#)

[03-Salary Table](#)

[04-Allocated Positions.pdf](#)



City of South Lake Tahoe

Report to City Council

Meeting Date: June 23, 2020

Title: Position Reclassification and Amendment to Salary Table

Location: City Hall

Responsible Staff Member: Tom Stuart, Human Resource Manager

Background:

On September 17, 2019 the City Council adopted FY 2019/2020 budget, which included a Position Allocation for budgeted positions listing the number of allocated positions in a department and classifications. The funding for the position allocation and classifications were approved by Resolution 2019-065 and 2019-066.

Issue and Discussion:

As indicated in the Position Allocation listing (Exhibit A) for the FY 2019/2020 budget, the City Manager's department had the following positions allocated: One (1) City Manager, One (1) Assistant to the City Manager (vacant and not filled) and One (1) Communications Manager. The Position Allocation list for the FY 2019/2020 moved the Management Analyst – CM to the Administrative Services department and the Administrative Assistant II – CM was eliminated as the City Manager at the time determined there was not a need for either of those positions in the City Manager's department. After a thorough analysis, the new City Manager has determined that there is a need for an Executive Assistant to the City Manager position. This position will provide much needed administrative support to the City Manager. It has also been determined that there is not a need for the Assistant to the City Manager position.

Staff is requesting the Management Analyst-Administrative Services position be reclassified to the Executive Assistant to the City Manager and be reallocated to the City Manager's department, removing the Management Analyst-Administrative Services and the Assistant to the City Manager positions from the Position Allocation List and updating the Salary Table (Exhibit B) to reflect the reclassification of the position.

Financial Implications:

There is no negative financial impact to the budget, as the reclassification of the Management Analyst-Administrative Services to Executive Assistant to the City Manager and removal of the Assistant to the City Manager from the Allocated List will result in a salary savings of approximately \$220,000 per year.

Resolution 2020-XXX

**Adopted by the City of South Lake Tahoe
City Council**

June 23, 2020

Approving Reclassification of Management Analyst – Administrative Services to Executive Assistant to the City Manager and Change to Salary Table

BACKGROUND

- A. After an analysis, the City Manager has determined that the position of Assistant to the City Manager is not needed.
- B. The City Manager has determined that there is a need for an Executive Assistant to the City Manager position. This position will provide much needed administrative support to the City Manager.
- C. The City Manager has determined that it is necessary to reclassify the Management Analyst – Administrative Services position to Executive Assistant to the City Manager.
- D. The reclassification will amend the Position Allocation List and Salary Table, removing the Management Analyst – Administrative Services, the Assistant to the City Manager and adding the Executive Assistant to the City Manager position.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, BE IT RESOLVED, that the City Council of the City of South Lake Tahoe:

- 1. The adoption of this resolution approves the reclassification of the Management Analyst – Administrative Services position to Executive Assistant to the City Manager.
- 2. The adoption of this resolution approves amending the Salary Table and the Position Allocation List to include the Executive Assistant to the City Manager.
- 3. The adoption of this resolution approves the removal of the Management Analyst – Administrative Services and the Assistant to the City Manager from the Salary Table and the Position Allocation List.
- 4. Action be taken to implement the above is hereby authorized.

Adopted by the City of South Lake Tahoe City Council on June 23, 2020 by the following vote:

Yes:

No:

Absent:

Abstain:

Jason Collin, Mayor

Date:_____

Attest:

Susan Blankenship, City Clerk

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the South Lake Tahoe City Council.

**City of South Lake Tahoe
Salary Table By Bargaining Unit**

1520	Executive Assistant to City Manager		
	Index Key Value	Hourly	Monthly
	1401/01	28.1437	4,877
	1401/02	29.5495	5,121
	1401/03	31.0212	5,376
	1401/04	32.5870	5,646
	1401/05	34.2000	5,927

ALLOCATED PERMANENT POSITIONS

Department/Positions		Authorized/ Appropriated Positions 18/19 Budget *	Authorized/ Appropriated Positions thru May, 2019	Authorized/ Appropriated Positions 19/20 Budget	Authorized/ Appropriated Positions thru Jun'20	Authorized/ Frozen Positions 19/20 Budget
<u>CITY COUNCIL</u>						
Council Member	(Elected)	5.00	5.00	5.00	5.00	0.00
<u>CITY CLERK</u>						
City Clerk	(Elected)	1.00	1.00	1.00	1.00	
Assistant City Clerk		2.00	2.00	1.00	1.00	
		3.00	3.00	2.00	2.00	0.00
<u>CITY TREASURER</u>						
City Treasurer	(Elected)	1.00	1.00	1.00	1.00	0.00
<u>CITY MANAGER</u>						
City Manager		1.00	1.00	1.00	1.00	
Communications Manager		1.00	1.00	1.00	1.00	
Management Analyst - City Manager's Office		1.00	1.00	0.00	0.00	
Assistant to the City Manager		0.00	0.00	1.00	0.00	
Administrative Assistant II		1.00	1.00	0.00	0.00	
Executive Assistant to the City Manager		0.00	0.00	0.00	0.25	
		4.00	4.00	3.00	2.25	0.00
<u>CITY ATTORNEY</u>						
City Attorney		1.00	1.00	1.00	1.00	
Deputy City Attorney I (limited term)		1.00	0.00	0.00	0.00	
Assistant City Attorney		0.00	1.00	1.00	1.00	
Paralegal		1.00	1.00	1.00	1.00	
		3.00	3.00	3.00	3.00	0.00
<u>ADMINISTRATIVE SERVICES DEPARTMENT</u>						
Director of Administrative Services		0.00	0.00	1.00	1.00	
Director of Finance		1.00	1.00	0.00	0.00	
		1.00	1.00	1.00	1.00	0.00
<u>Financial Services</u>						
Financial Services Manager		0.00	0.00	1.00	1.00	
Financial Services Supervisor		1.00	1.00	0.00	0.00	
Accountant I, II		1.00	1.00	2.00	2.00	
Associate Management Analyst - Grants		1.00	1.00	1.00	1.00	
Management Analyst - Admin Services		0.00	0.00	1.00	0.75	
Payroll Coordinator		1.00	1.00	0.00	0.00	
		4.00	4.00	5.00	4.75	0.00
<u>Human Resources</u>						
Human Resources Manager		0.00	0.00	1.00	1.00	
Principal &/or H.R. Analyst		2.00	2.00	1.00	1.00	
Administrative Clerk		0.50	0.50	1.00	1.00	
		2.50	2.50	3.00	3.00	0.00
<u>Information Systems</u>						
Information Systems Manager		1.00	1.00	0.00	0.00	1.00

Network Systems Administrator	1.00	1.00	1.00	1.00	
Information Systems Technician	1.00	1.00	1.00	1.00	
	3.00	3.00	2.00	2.00	1.00
Department/Positions	Authorized/ Appropriated Positions 18/19 Budget *	Authorized/ Appropriated Positions thru May, 2019	Authorized/ Appropriated Positions 19/20 Budget	Authorized/ Appropriated Positions thru Jun'20	Authorized/ Frozen Positions 19/20 Budget
ADMINISTRATIVE SERVICES (CONTINUED)					
Revenue					
Accounting Technician I, II	3.00	3.00	2.00	2.00	
Supervising Accounting Technician	0.00	0.00	1.00	1.00	
Accountant I/II	1.00	1.00	1.00	1.00	
Administrative Clerk	0.50	0.50	0.00	0.00	
	4.50	4.50	4.00	4.00	0.00
	15.00	15.00	15.00	14.75	1.00
DEVELOPMENT SERVICES DEPARTMENT					
Director of Development Services	1.00	1.00	1.00	1.00	
Deputy Development Services Director	0.75	0.75	0.75	0.75	
Administrative Clerk I, II	0.00	0.00	1.00	1.00	
Administrative Clerk I, II (limited term)	2.00	2.00	0.00	0.00	1.00
	3.75	3.75	2.75	2.75	1.00
Planning					
Planning Manager/Environmental Planner	1.00	1.00	1.00	1.00	
Associate Planner, Assistant Planner	2.00	2.00	2.00	2.00	
Permit Center Technician	2.00	2.00	2.00	2.00	
Permit Center Technician (limited term)	0.00	0.00	0.00	0.00	
	5.00	5.00	5.00	5.00	0.00
Housing					
Housing Manager	0.00	0.00	1.00	1.00	
	0.00	0.00	1.00	1.00	0.00
Building and Safety					
Building Official	1.00	1.00	1.00	1.00	
Deputy Building Official	1.00	1.00	1.00	1.00	
Pr Bldg & Sr Bldg Inspector, Bldg Inspector, Hsng Insp.		3.00	3.00	3.00	3.00
Sr. Building Inspector - VHR (limited term)	1.00	1.00	1.00	1.00	
Development Services Technician - VHR (limited term)		0.00	0.00	0.00	0.00
Program Coordinator	1.00	1.00	1.00	1.00	
	7.00	7.00	7.00	7.00	0.00
	15.75	15.75	15.75	15.75	1.00
PUBLIC WORKS DEPARTMENT					
Director of Public Works	1.00	1.00	1.00	1.00	
Assistant Director of Public Works	1.00	1.00	0.00	0.00	
Capital Improvement Projects Manager	0.00	0.00	1.00	1.00	
Office Manager	1.00	1.00	1.00	1.00	
	3.00	3.00	3.00	3.00	0.00
Department/Positions	Authorized/ Appropriated Positions 18/19 Budget *	Authorized/ Appropriated Positions thru May, 2019	Authorized/ Appropriated Positions 19/20 Budget	Authorized/ Appropriated Positions thru Jun'20	Authorized/ Frozen Positions 19/20 Budget
PUBLIC WORKS (CONTINUED)					

Engineering

Construction Engineer	0.00	0.00	0.00	0.00	1.00
Stormwater Program Coordinator	1.00	1.00	1.00	1.00	
GIS Analyst	1.00	1.00	1.00	1.00	
Resident Engineer / Resident Inspector	1.00	1.00	1.00	1.00	
Engineering Manager	0.00	0.00	1.00	1.00	
Associate Civil Engineer, Assistant Engineer	3.00	3.00	2.00	2.00	
Engineering Technician	1.00	1.00	1.00	1.00	
	7.00	7.00	7.00	7.00	1.00

Maintenance Operations / Snow Removal

Maintenance Manager	3.00	3.00	3.00	3.00	
Lead Maintenance Technician	3.00	3.00	3.00	3.00	
Maintenance Technician I, II, III, IV, V	20.00	20.00	23.00	23.00	
	26.00	26.00	29.00	29.00	0.00

Fleet Maintenance

Operations Manager	1.00	1.00	0.00	0.00	**
Fleet Supervisor	1.00	1.00	1.00	1.00	
Equipment Mechanic I, II, III	5.00	5.00	5.00	5.00	
Fleet Control Specialist	1.00	1.00	1.00	1.00	
Fleet Control Specialist (Limited 2-year term)	1.00	1.00	0.00	0.00	***
	9.00	9.00	7.00	7.00	0.00

Airport

Airport Manager	1.00	1.00	1.00	1.00	
Airport Maintenance Supervisor	1.00	1.00	1.00	1.00	
Maintenance Technician I, II, III, IV, V	0.00	0.00	1.00	1.00	
	2.00	2.00	3.00	3.00	0.00
	47.00	47.00	49.00	49.00	1.00

RECREATION DIVISION

Recreation Director	0.00	0.00	0.00	0.00	1.00
Recreation Superintendent	1.00	1.00	1.00	1.00	
Administrative Clerk I, II	1.00	1.00	1.00	1.00	
Administrative Assistant I, II	1.00	1.00	1.00	1.00	
Recreation Supervisor	1.00	1.00	1.00	1.00	
	4.00	4.00	4.00	4.00	1.00

FIRE DEPARTMENT

Fire Chief	1.00	1.00	1.00	1.00	
Fire Battalion Chief	3.00	3.00	3.00	3.00	
Fire Captain	6.00	6.00	6.00	6.00	
Fire Engineer	9.00	9.00	9.00	9.00	
Firefighter, Paramedic	9.00	9.00	9.00	9.00	
Firefighter, Paramedic (2 1/2-year limited term)	3.00	3.00	3.00	3.00	
Firefighter, Paramedic (SAFER Grant)	0.00	0.00	0.00	7.00	
Fire Safety Inspector I, II	1.00	1.00	1.00	1.00	
Administrative Assistant II	1.00	1.00	1.00	1.00	
	33.00	33.00	33.00	40.00	0.00

Department/Positions	Authorized/ Appropriated Positions 18/19 Budget *	Authorized/ Appropriated Positions thru May, 2019	Authorized/ Appropriated Positions 19/20 Budget	Authorized/ Appropriated Positions thru Jun'20	Authorized/ Frozen Positions 19/20 Budget
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POLICE DEPARTMENT

Chief of Police	1.00	1.00	1.00	1.00	
Police Lieutenant	2.00	2.00	2.00	2.00	
Police Sergeant	6.00	6.00	6.00	6.00	
Police Officer	29.00	29.00	31.00	31.00	
Police Officer (cannabis)	0.00	1.00	0.00	1.00	
Police Officer (Tobacco grant)	0.00	0.00	1.00	1.00	
Public Safety Dispatch Supervisor	1.00	1.00	1.00	1.00	
Police Records Supervisor	1.00	1.00	1.00	1.00	
Public Safety Dispatcher	9.50	9.50	9.00	9.00	
Senior Police Records Tech, Police Record Tech	2.00	2.00	2.00	2.00	
Administrative Assistant I	1.00	1.00	1.00	1.00	
Senior Evidence/Prop Tech, Evidence/Prop Tech	2.00	2.00	2.00	2.00	
Lead Community Services Officer	1.00	1.00	1.00	1.00	
Sr Community Svcs Officer, Community Svcs Officer		8.10	8.10	8.10	8.10
Code Compliance Investigator	1.00	1.00	1.00	1.00	
Administrative Assistant II	1.00	1.00	1.00	1.00	
	65.60	66.60	68.10	69.10	0.00

Total City Employees	196.35	197.35	198.85	205.85	4.00
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City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: June 23, 2020

Agenda Item #: 6.



Agenda Item: Revised City Council Protocols

Executive Summary: At their June 9, 2020 meeting, Council passed a revised regular meeting schedule (Resolution 2020-055) adding a second meeting in months with only one meeting scheduled. City staff identified proposed amendments to the City Council Protocols which reflect the revisions to the regular meeting schedule.

Requested Action / Suggested Motions: Pass a Motion approving revisions to City Council Protocols.

Responsible Staff Member: Susan Blankenship, City Clerk

Responsible Staff Member: Susan Blankenship, City Clerk (530) 542-6005

Reviewed and Approved By:

Heather Stroud, City Attorney

Attachments:

[01-Staff Report Protocols.docx](#)

[02-Protocols Red Line.pdf](#)

[03-Protocols Clean.docx](#)

[04-Res 2020-055 Revised 2020 City Council Meeting Schedule.pdf](#)



City of South Lake Tahoe

Report to City Council

Meeting Date: June 23, 2020

Title: City Council Protocols

Location: Citywide

Responsible Staff Member: Susan Blankenship, City Clerk (530) 542-6005

Background: At their June 9, 2020 meeting, Council passed a revised regular meeting schedule (Resolution 2020-055) adding a second meeting in months with only one meeting scheduled.

Issue and Discussion: City staff identified proposed amendments to the City Council Protocols which reflect the revisions to the regular meeting schedule.

Policy Implications: The Council's Protocols are in addition to and in accordance with the Ralph M. Brown Act and Rosenberg's Rules of Order.

PROTOCOLS
for the
City of South Lake
City Council
South Tahoe Redevelopment Successor Agency (STRSA)
South Tahoe Joint Powers Financing Authority (STJPFA)
South Tahoe Joint Powers Parking Authority (STJPPA)

I. COUNCIL/STRSA/STJPFA/STJPPA MEETINGS

1. **Regular Meetings** - Regular meetings of the City Council, South Tahoe Redevelopment Successor Agency, South Tahoe Joint Powers Financing Authority, and South Tahoe Joint Powers Parking Authority shall be held, without the necessity for notice, the second and fourth Tuesday of ~~every month~~ July, August and September; and the first and third Tuesday of October, November and December. ~~Budget Workshops, Joint Agency meetings or Planning meetings will be held the fourth Tuesday in February, April, June, August and September.~~ Regular meetings will be held at City Hall, Council Chambers, located at 1901 Lisa Maloff Way, South Lake Tahoe, California. The regular meeting shall begin at 9:00 a.m.

a. **Posted Agendas:** The City Clerk shall post the agenda for every City Council/STRSA/STJPFA/STJPPA meeting in the inside and outside enclosed bulletin boards at the City Hall, located at 1901 Lisa Maloff Way and on the Services Center bulletin board outside kiosk at the Services Center at located at 1052 Tata Lane. Agendas are available at no charge from the City Clerk's Office in the Administrative Center and on the City Clerk's Web Page at www.cityofslt.us.

b. **Location During Local Emergency** - If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the City Council Chambers, or if the Council Chambers are being used as the Emergency Operations Center, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the City Manager. The City Clerk will provide public notice of change in meeting location, consistent with the Brown Act.

2. **Chair** - The Mayor shall preside over all Council meetings. The Mayor shall have authority to preserve order at all Council meetings, to remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council.

Absence of Mayor - The Mayor Pro Tem shall act as Mayor in the absence or disability of the Mayor.

3. **Attendance by the Public** - All meetings of the Council shall be open and public in accordance with the terms, provisions and exceptions consistent with the Ralph M. Brown Act (Government Code sections 54950, et seq.).

4. **Action Agenda Items** - In accordance with the Ralph M. Brown Act, the Council may not act on any item that did not appear on the posted Council agenda 72 hours prior to the regular Council meeting unless an exception is made as permitted under Government Code section 54954.2.

- 5. Special Presentations** - All special presentations will be calendared and coordinated through the City Clerk and will be limited to one per meeting, to be held at the beginning of the meeting and shall not exceed 15 minutes for each Council Meeting.
- 6. Councilmember Reports** - The Council Reports section of the agenda provides Council the opportunity to briefly comment on Council business, city operations, city projects, attendance at meeting(s) attended as a City-appointed Representative and other items of interest to the Council. This is also the opportunity for a Councilmember to request a specific issue come back on a future agenda for consideration and possible action as set forth in paragraph 8 below or to request a majority consensus of the Council to direct staff to research, explore, examine or make inquiry into a specific item of interest.
- 7. Proclamations and Certificates of Appreciation** – Under Councilmember Reports, any Councilmember may request the City Manager place a City Council Proclamation or Certificate of Appreciation on a future agenda in accordance with the procedures in Paragraph I(8) of these Protocols (Placement of Item on Future Agenda). When time is of the essence, the Mayor may sign a proclamation on behalf of the City and it will be placed on the next City Council meeting agenda as an informational item by the City Clerk.

City Council Proclamations and Certificates of Appreciation are signed by the Mayor and may be presented at a City Council meeting or delivered directly to a community member/organization.

All Proclamations and Certificates of Appreciation will be prepared by the City Clerk or designee.

- 8. Placement of Item on Future Agenda** – Under Councilmember Reports, a Councilmember may request that an item be placed on a future agenda. Upon the support of one (1) additional Council Member, direction shall be given to the City Manager to calendar the item for a convenient future agenda, but no sooner than the second meeting after the request was made.
- 9. Consent Calendar** - Agenda items removed from the consent calendar by Councilmembers will be considered at the conclusion of the vote passing the Consent Agenda. Any discussion on an item will require pulling the item from the consent calendar. A Councilmember may comment or ask clarifying questions prior to taking the vote to pass the Consent Agenda. A Councilmember may vote “No” on any consent item without discussion prior to taking the vote to pass the Consent Agenda.
- 10. City Manager and City Attorney Reports/Updates on Topics of Interest** - Each agenda shall have a section for topics of interest to be listed in order for the City Manager and City Attorney to provide a brief report/update on the listed topics. Council may ask questions or hold brief discussion at this time.
- 11. Adjournment** – The Council will establish the hour of adjournment by a majority vote of the Council.

- 12. Teleconferencing** - As provided in the Brown Act, teleconferencing (a meeting connected by electronic means, through either audio or video, or both, when the members are in different locations) may be used for all purposes during any meeting. At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction (i.e. City of South Lake Tahoe limits). Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, if applicable. Agendas must be posted at each teleconference location, even if a hotel room or a residence. Each teleconference location must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location. All votes must be by roll call.
- 13. Electronic Communications & Devices** – City Council members will not utilize electronic mail (email or text messages) to send messages during the Council meeting. Due process requires Council's full deliberation during Council meetings on items before the Council for consideration. City Councilmembers will not utilize the internet during Council meetings to receive information on items on the agenda that are not disclosed to the entire City Council and public. Outside of City Council meetings, Councilmembers should not communicate via electronic communication (email/text) with more than one other member of the City Council on any issue regarding City business.

II. RULES OF CONDUCT

- 1. General Procedure** - It is the policy of the Council not to become involved in the entanglements over parliamentary procedure. The Council shall conduct their meetings consistent with Rosenberg's Rules of Order, as modified in these protocols and are subject to the City Attorney's ruling on the matter.
- 2. Addressing Members of the Public and Staff** - In addressing the public and members of the City's staff, Councilmembers will generally refer to persons as Mr., Mrs., or Ms. followed by their surname.
- 3. Authority of the Chair** - The Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.
- 4. Mayor to Facilitate Council Meetings** - The Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of Council meetings. In the role as facilitator, the Mayor will assist the Council to focus on their agenda, discussions and deliberations.
- 5. Council Deliberation & Order of Speakers** - The Mayor has been delegated the responsibility to control the debate and the order of speakers.
- 6. Limit Deliberations to Item at Hand** - Councilmembers will limit their comments to the subject matter, item or motion being currently considered by the Council.
- 7. Length of Council Comments** - Councilmembers will govern themselves as to the length of their

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comments or presentation. As a courtesy, the Mayor will signal by hand to a Councilmember who has been speaking for over five (5) minutes. The intent of the hand signal is a courtesy to let the Councilmember know they have been speaking for approximately five minutes and may want to consider wrapping up their comments. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers in their efforts to communicate concisely.

- 8. Obtaining the Floor** - Any member of the Council wishing to speak must first indicate to the Mayor their desire to speak by electronically pressing their “call to speak” button. The Councilmember shall then wait for the Mayor to recognize and call upon the Councilmember to obtain the floor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so.
- 9. Motions** - Motions may be made by any member of the Council, including the presiding officer, providing that before the presiding officer offers a motion, the opportunity for making a motion should be offered to other members of the Council. Any member of the Council, other than the person offering the motion, may second a motion.
- 10. Procedure for Motion** The following is the general procedure for making motions:
 - a. Before a motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Mayor.
 - b. Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, however, Councilmembers may be allowed to explain their vote.
- 11. Tie Votes** - A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
- 12. Abstention** – If a Councilmember abstains from voting, except when abstaining due to a conflict of interest, he/she is counted as present for quorum purposes, but, is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those members present and voting.” If the member abstains due to a conflict of interest, the Councilmember will not be counted toward making a quorum and will not be deemed to be “voting” for purpose of determining whether there has been a “majority vote of those members present and voting.”
- 13. Motions for Reconsideration**
 - a. Requests for Motions for reconsideration of a matter may be made at the same meeting or by request to the City Manager within 48 hours after the conclusion of the meeting following a Council action and shall be scheduled for the next meeting.
 - b. A proposed motion for reconsideration at the next succeeding meeting must comply with Brown Act noticing requirements.
 - c. Motions for reconsideration may only be made by a Council member that voted with the majority of the City Council on the action proposed to be reconsidered by the Council. In the case of a tie vote, the prevailing side or majority of the Council will be deemed to be those Councilmembers who voted in the negative.

d. Any member of the Council may second a motion for reconsideration.

III. PUBLIC HEARINGS

1. General Procedure - The Council procedure for the conduct of public hearings is generally as follows:

- a. The Mayor opens the public hearing.
- b. Staff presents its report.
- c. Councilmembers may ask questions of staff if they so desire.
- d. The applicant then has the opportunity to present comments, testimony or arguments.
- e. Members of the public are provided with the opportunity to present their comments, testimony or argument.
- f. The applicant and staff may be given an opportunity for rebuttal or concluding comments
- g. The public hearing is closed. No further public comment is allowed.
- h. The Council deliberates on the issue and takes action.

- i. If the Council raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant or appellant), the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing is again closed.
- j. The Council deliberates and takes action.
- k. The City Clerk announces the final decision of the Council.

2. Time for Consideration - Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.

3. Public Discussion at Hearings - When a matter for public hearing comes before the Council, the Mayor will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter.

- a. **Public Member Request to Speak** - Any person desiring to speak, or present evidence shall make his/her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor.
- b. **Council Questions of Speakers** - Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. Councilmembers should avoid raising questions as a method to extend the allocated time for a speaker.
- c. **Public Oral Presentation** - All Council rules pertaining to oral presentation by members of the public apply during public hearings.
- d. **Materials for Public Record** - All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. The City Clerk as part of the Clerk's record of the hearing will retain all such

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evidence presented, unless otherwise directed.

- e. **Germane Comments** - No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor.

- 4. **Communications and Petitions** - Written communications and petitions concerning the subject matter of the hearing will be noted at the meeting by the City Clerk as part of the permanent public record. A reading in full shall take place if requested by any member of the Council.

IV. ADDRESSING THE CITY COUNCIL

- 1. **Staff Reports and/or Applicant Presentations** - Staff is requested to provide an executive summary of their written staff report. Applicant presentations shall be limited to no more than fifteen (15) minutes. Longer presentations must be approved by the City Manager prior to the Council meeting.
- 2. **Oral Comments by Members of the Public** - Oral comments by members of the public at City Council meetings on an item listed on the agenda are as follows:
 - a. Oral comments may not exceed three (3) minutes, unless otherwise provided.
 - b. When called upon, the person should come to the podium, state his/her name for the record, and, if speaking for an organization or other group, identify the organization or group represented.
 - c. All remarks should be addressed to the Council as a whole, not to individual members.
- 3. **Public Communications** - This is the public's chance to speak on any topic not listed on this agenda. In compliance with Government Code Section 54954.3 (Chapter known as the "Brown Act"), Public Communications is that portion of City Council meeting set aside for members of the public to address the City Council on items of any City business other than scheduled agenda items. This portion of the meeting is videotaped, televised on Channel 21 and web streamed live and on demand. ***All speakers are encouraged to complete a Speaker Form, which is located on the podium near the rear of the Council Chambers, and to submit it to the City Clerk who will provide it to the Mayor prior to the commencement of the meeting.***
 - a. **Timing** - Public Communications are held at the beginning and end of a Council meeting, as specified on the City Council agenda as set forth above, in accordance with the Brown Act. The Mayor shall request that comments should be held to four (4) minutes, or less, and that commenters speak either during Public Communications at the beginning or the end of the meeting, but not both. If the Mayor has knowledge at the beginning of the public comment period that several members of the public are present to comment on a particular issue, he/she may ask for a show of hands of those individuals requesting to comment on the issue. If ten (10) or more individuals are present to speak on the issue, the Mayor may limit their comment time to two (2) minutes, or he/she may ask that a spokesperson be appointed to represent and speak on behalf of those individuals collectively.
 - b. **Council Deliberations Prohibited** – In compliance with the Brown Act, the Council may not deliberate or vote on any matter raised in Public Comments. The Mayor, however, may request the City Manager to provide additional information on a matter of general interest to the full Council or the public at large. To insure compliance with the Brown Act, items requiring discussion or action by the Council should be scheduled for a future agenda.

- 4. Agenda Item Oral Presentations** - Any member of the public wishing to address the Council orally on City business matters appearing on the Council agenda may do so when that item is taken up by the Council, or as otherwise specified by the Council or its presiding officer.
 - a. Time Limit** - Oral presentations may not exceed three (3) minutes unless otherwise provided.

The Mayor, with the concurrence of the City Council, may alter any of the numerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.
 - b. Presentations Submitted in Writing** - Persons who anticipate oral presentations exceeding three (3) minutes are encouraged to submit comments in writing at the earliest possible time, for distribution to the Council and other interested parties. Comments should be submitted sufficiently in advance of the scheduled meeting date to insure distribution to the Council prior to the meeting.
- 5. Power Point Presentations** – Members of the public may present a Power Point software presentation to the Council utilizing the City’s audio/visual equipment, provided that the public make their request to the City Clerk 72 hours in advance of the meeting in order to coordinate with the Information Systems Division for the use of the equipment.
 - a.** All Power Point presentations must comply with applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.
 - b.** A printed hard copy of the Power Point presentation must be provided to the City Clerk for the public record.
- 6. Comments in Writing Encouraged** - Members of the public may submit, and are encouraged to submit, comments in writing to the City Council in care of the City Clerk relating to any items of City business, whether on the City Council agenda or otherwise. Such written comments will be distributed to members of the Council and considered and acted upon, or not acted upon, as the City Council in its judgment may deem appropriate. If a written communication is regarding an item on the Council agenda, citizens are requested to present their written communications at least one day prior to the Council meeting. If a citizen wishes his/her communication be included in the Council’s agenda packet prior to the meeting, it must be received no later than Thursday Noon prior to the Tuesday Council meeting. All written communications received prior to or at the meeting will be noted at the meeting as part of the permanent public record and will be included in the agenda packet and posted on the City’s website.
- 7. Comment Cards (Use Speaker Forms)** - Members of the public who do not wish to or cannot verbally address the Council during a meeting may use a Speaker Form. A person may indicate their comments and their opposition or support for an agenda item on a comment card.

During the public testimony of the item, the Mayor shall ask the City Clerk if any comment cards have been received and ask the Clerk to note the number of comment cards received and the name of person(s) in support or opposition of the project or issue. The minutes will reflect the Council’s receipt of comment cards in opposition and support of the project or issue.

8. Repetitious or Dilatory Comments Prohibited

- a. A speaker shall not present the same or substantially same items or arguments to the Council repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further.

Nothing in the foregoing precludes submission of comments to the City Council in writing for such action or non-action as the Council, in its discretion, may deem appropriate.

- b. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged.

Whenever any group of persons wishes to address the Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. With the consent of the City Council, the Mayor may extend the time allocation for a designated spokesperson.

9. **Suspending of the Rules** - Any of the foregoing rules may be waived by two-thirds (2/3) vote of the Councilmembers present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.

10. **Non Exclusive Rules** - The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

V. APPEALS

1. General Procedure - The Council procedure for the conduct of appeals is generally as follows:

- a. The Mayor explains the Council is considering the appeal of ____ regarding ____, and confirms that notice of the appeal hearing has been given to the appellant.

- b. Council hears evidence and testimony in the following order:

- i. Any opening statement or remarks by the appellant and/or appellant's attorney and evidence or testimony from the appellant (requested time limit - 10 minutes) followed by any questions by Councilmembers or others (including staff) who wish to ask questions (suggested time - 3 minutes per Councilmember).
- ii. Any evidence or testimony from staff members concerning any issues raised surrounding this matter (time scheduled - 10 minutes), followed by comments by the applicant, if the applicant and appellant are different parties. (requested time limit – 10 minutes), followed by any questions by the appellant and Councilmembers (suggested time - 3 minutes per speaker).
- iii. Any evidence or testimony from the appellant and/or appellants attorney in rebuttal to or in clarification of any other evidence or testimony presented, and any closing statement or remarks that the appellant wishes to make (requested time limit - 5 minutes).

iv. Public Comment (time limit – 3 minutes per speaker)

- c.** The Mayor shall conduct the appeal in such a manner as to afford due process to the appellant.
- d.** Following the presentation of testimony, the Council deliberates on the evidence and testimony presented, and votes on whether to grant the appeal, provided they have all the necessary information. If issues are raised during the appeal hearing that cannot be immediately responded to by Staff, the Hearing should be continued to have such information available for the appeal process.
- e.** The City Clerk announces the final decision of the Council.

VI. CLOSED SESSION

1. Announcement prior to closed sessions

- a.** Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.
- b.** After any closed session, the legislative body shall reconvene into open session and shall make any disclosures required by Gov Code section 54957.1 of action taken in the closed session.
- c.** The announcements required to be made in open session pursuant to ~~this~~ section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

2. Statement of Reasons for Closed Sessions

- a.** Prior to adjourning to any closed session, the City Council shall announce in open session the general reason or reasons for the closed session and must cite and explain the statutory or case authority under which the session is being closed.
- b.** In the case of a closed session item added to the agenda pursuant to Government Code Section 54954.2(b) herein, the statement shall be made in open session concurrent with the findings required pursuant to that section.
- c.** If a closed session item or session has been adjourned or continued from a prior meeting, the body shall re-state the reasons for closed session before reconvening the closed session.
- d.** Nothing in this section shall require or authorize a disclosure of information that is confidential under law.

3. Conduct of closed session.

The Council shall consider in closed session only those matters authorized by the Ralph M. Brown Act.

4. Disclosure of closed session discussions and actions.

- a.** In accordance with Government Code Section 54963 and as provided below, a person

present at a closed session may not disclose confidential information received.

- b.** In addition to the required disclosures pursuant to Government Code Section 54957.1 and subsection C below, the Council may, by motion and vote in open session, elect to disclose any other information obtained in closed session which a majority of the members of the body deems to be in the public interest. Any disclosure pursuant to this section shall be made through the Mayor or such other person present in the closed session, designated to convey the information.
- c.** Immediately following the closed session, the Council or City Attorney shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

 - i.** Real Property Negotiations: Approval of an agreement concerning real estate negotiations pursuant to Government Code section 54956.8 shall be reported as soon as the agreement is final in accordance with Government Code section 54957.1(a)(1). If notwithstanding the final approval there are conditions precedent to the final consummation of the transaction, or if there are multiple contiguous or closely located properties that are being considered for transfer, the report specified in this section need not be made until the conditions have been satisfied or an agreement has been reached with respect to all the properties, or both.
 - ii.** Litigation: Direction or approval given to the Council's legal counsel to prosecute, defend, seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation under Government Code section 54956.9 shall be reported in open session in accordance with Government Code section 54957.1(a)(2).
 - iii.** Settlement: Council approval given to its legal counsel of a settlement of pending litigation, as defined in Government Code section 54956.9, shall be reported in open session after the settlement is final in accordance with Government Code section 54957.1(a)(3).
 - iv.** Personnel Actions: Council action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee shall be reported in open session in accordance with Government Code section 54957.1(a)(5).
 - v.** Labor Negotiations: Council action taken to approve an agreement concluding labor negotiations with represented employees shall be reported in open session in accordance with Government Code section 54957.1(a)(6).
- d.** Reports required to be made pursuant to this section may be made orally or in writing. Copies of any contracts, settlement agreements, or other documents related to the items or transactions that were finally approved or adopted in closed session and which contain the information required to be disclosed under this section shall be made available for inspection and copying, upon request, at the time the report is made or after any substantive amendments have been retyped into the document.
- e.** A written summary of the information required to be reported immediately pursuant to this section, or documents containing that information, shall be made available for inspection and copying by the close of business on the next business day following the meeting.
- f.** Action taken in closed session which is not immediately disclosable under this section shall be disclosed and noticed under the procedures set forth in (C) above at such time as disclosure is required.

5. Violations of Disclosure of Confidential Information

- a. A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Government Code Sections 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the Council authorizes disclosure of that confidential information as set forth above.
- b. "Confidential Information" means a communication made in a closed session that is specifically related to the basis for the Council to meet lawfully in closed session under the Ralph M. Brown Act.
- c. Disclosure of confidential information in violation of the Brown Act may be addressed by the use of such remedies as are currently available by law, including, but not limited to:
 - i. City Council may by three affirmative votes censure a member of the Council who is disclosing confidential information. Censure may include other penalties, including but not limited to, the removal of the member of the legislative from committees, prohibiting travel of Council Member on official City business, removal of Council Member picture from any public displays, the prohibition of Council Member speaking at any function on the behalf of the Council. The City Council shall review any censure of a Council Member at the first regular Council Meeting after 30 days from the censure.
 - ii. Direction to City Attorney to refer a member of the Council who has willfully disclosed confidential information in violation of this section to the District Attorney and/or grand jury.
 - iii. Direction to City Attorney to file for Injunctive relief against a member of the City Council allegedly disclosing confidential information to prevent further disclosure of confidential information prohibited by this section.
 - iv. Disciplinary action against the City Manager or City Attorney who has willfully disclosed confidential information in violation of this section.
- d. Disciplinary action pursuant to section (c) of subdivision (ii) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.
- e. The Council may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:
 - i. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by the Council or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by the Council.
 - ii. Expressing an opinion concerning the propriety or legality of actions taken by the Council in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.
 - iii. Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

- f. Nothing herein shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of the Government Code.

6. Procedures for Censure of a Council Member

Any member of the City Council may request to place on a future agenda, a censure hearing of a Council Member. The request must include specific allegations of conduct in violation of federal, state or City ordinances or policies upon which the proposed censure is based. If at least one (1) additional Council Member supports the request, direction shall be given to City Manager to calendar the item for a future agenda or Council shall appoint an ad hoc committee to investigate the charges.

If a majority of the Council determines an investigation is warranted, Council shall designate an ad hoc committee consisting of two of its members, including the Mayor (unless the Mayor is the subject of the charges in which case the Mayor Pro Tem shall be appointed), to conduct the investigation. The Council may select an independent investigator to assist in conducting the investigation. The independent investigator would be managed by the ad hoc committee to conduct the investigation.

In the course of the investigation, the committee must determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his or her knowledge of the facts surrounding the allegations. If a witness is unwilling to submit such a declaration, the Council may issue a subpoena to compel the witness' testimony, consistent with its subpoena power granted under the Government Code.

At the conclusion of the investigation, the results shall be presented in writing to the full Council. Based on the results, any two individual Council members may file a request for censure hearing in accordance with the provisions of this policy.

- a. The following guidelines apply to ad hoc committee investigations:
 - i. The committee may be staffed by administrative and legal staff.
 - ii. If authorized by City Council, the committee may subpoena witnesses and documents.
 - iii. In making a determination, the committee should determine if taking all the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the conduct, violation, or offense occurred.
 - iv. The committee shall issue a final report and recommendations to the City Council. The final report shall be made available to the public.
- b. If a censure hearing is set, it must be set far enough in advance to give the member of Council subject to the charges adequate time to prepare a defense, and that member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The member subject to the charges may be represented and may have the representative speak or question on his or her behalf. The Mayor, or Mayor Pro Tem if the Mayor is the subject of the charges, shall preside at the hearing. The rules of evidence shall not apply to the hearing, which is not a formal adversarial proceeding. The City Attorney or designee shall provide legal

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advice to the City Council during the hearing.

A decision to censure requires the adoption of a Resolution making findings with regard to the specific charges, based on substantial evidence, and approved by the affirmative vote of at least three (3) Council Members

In accordance with Government Code section 995, upon request of a Council Member, the City shall reimburse the Council Member's reasonable attorney fees and costs in defending himself/herself.

VII. POLICY DECISION MAKING PROCESSES

1. **Mayor and Mayor Pro Tem Term of Office** - Beginning December 3, 2019, the Mayor and Mayor Pro-Tem shall serve a nine (9) month term of office. If a City Council election occurs during the 9-month term, at their first meeting following the election, the mayor and mayor pro tempore must be reconfirmed to complete their remaining term of office pursuant to City Code section 2.05.050(A).
2. **Subcommittees** - City Council subcommittees are formed on an as needed basis with a clearly defined purpose and term. Subcommittees will consist of two Councilmembers agreed upon by a consensus of the Council. Meetings of the Council subcommittees are not open to the public, unless specified by the Council.
3. **Councilmember Appointments & Assignments** - The City Council at their December meeting of each year shall discuss and make appointments and assignments to various boards and commissions and then will vote and approve the final list at their next regular meeting. A copy of the list is made a part of the public record and kept on file in the City Clerk's Office.
3. **Mayor to Act as Council Ceremonial Representative** - The Mayor has been delegated the responsibility to act as the City Council's ceremonial representative at public events and functions. In the Mayor's absence, the Mayor Pro Tem assumes this responsibility. In both the Mayor and Mayor Pro Tem's absence, the Mayor will appoint another Councilmember to assume this responsibility. The Mayor may use the Council's Meetings and Travel Budget to pay for such functions.
4. **Councilmember Participation in Community Activities** - From time to time, Councilmembers may choose to participate in community activities, committees, events, and task forces. This is allowable under the Brown Act. *The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if the majority engages in a collective deliberation process outside a scheduled meeting of the body. The term meeting is not limited to gatherings at which action is taken but also includes deliberative gatherings.*
5. **Workshops** – A workshop is a time to study or examine a particular issue in greater depth and to allow additional time for questions. A workshop may be held during a regular or special meeting and generally no formal action will be taken on workshop items or during a workshop. Questions raised during workshops by Councilmembers and/or members of the public will be directed to staff. Staff may request a brief recess in order to provide verbal answers not readily available, or, the information may be provided to the Council at the time the item is placed back on the agenda for further discussion and action.
6. **City Attorney as Protocol Advisor** – The City Attorney assists the Mayor as a resource to confer with and an advisor for interpreting the City Council's adopted protocols.

- 7. Applicability of Protocols** - The City of South Lake Tahoe City Council Protocols shall also apply to the City Council when sitting as other entities or agencies.
- 8. Conflicts of Interest** – No Councilmember shall make, participate in making, or in any way attempt to use his or her official position to influence a decision on any issue when prohibited from so doing by law. A Councilmember disqualified from participation due to a conflict of interest shall not be considered present at the meeting for the item(s) of business on which such member is disqualified.

*References: Ralph M. Brown Act
Rosenberg's Rules of Order*

CITY COUNCIL TRAVEL

The City's adopted Financial Management Meeting and Travel Policy (Attachment 3), primarily provided policies for travel and reimbursements for City employees that were inconsistently applied to City Councilmembers. The policy did not consider Councilmembers' occasional travel, each individual Councilmembers decisions on travel and meeting attendance. The following guidelines are recommendations for City Council considerations:

- a. **Approving Official:** The Mayor shall be the City Manager's Approving Official for Travel and Reimbursement Requests. The Mayor shall be the Approving Official for City Councilmember Travel and Reimbursement Requests.
- b. **General Travel on Behalf of the City:** Councilmembers traveling on behalf of the City expecting reimbursement of expenses must first obtain approval of the travel by the City Council and coordinate their travel through the City Clerk's Office who will generally charge all expenses to the City (rather than reimburse Councilmembers). As noted in the policy (pg 10), any unused reservation will be paid for by the Councilmember.
- c. **Councilmembers appointed by the City Council to serve on a committee or board on behalf of the City or as a representative of the City:** Councilmembers shall be entitled to reimbursement for mileage and meals for meetings outside of Lake Tahoe Basin in accordance with the adopted Travel Policy. Councilmembers may be request reimbursement for one overnight stay for a meeting more than two hours away from South Lake Tahoe.
- d. **Councilmembers serving on a committee or board of their own choosing:** Councilmembers may request reimbursement for travel expenses from the City Council.
- e. **Conferences/Professional Events:** Councilmembers who wish to attend a conference or professional event related to their work as a public official shall request approval of their travel in advance by the City Council at a regular Council meeting. The City Clerk shall place the request on the next available Council agenda.
- f. **Miscellaneous expenses:** Councilmembers may request reimbursement from the City Council for miscellaneous expenses related to their work as a City Councilmember that could include, but are not limited to, representing the City's interests at organized activities, events, meetings and formal and informal gatherings.

PROTOCOLS
for the
City of South Lake
City Council
South Tahoe Redevelopment Successor Agency (STRSA)
South Tahoe Joint Powers Financing Authority (STJPFA)
South Tahoe Joint Powers Parking Authority (STJPPA)

I. COUNCIL/STRSA/STJPFA/STJPPA MEETINGS

1. Regular Meetings - Regular meetings of the City Council, South Tahoe Redevelopment Successor Agency, South Tahoe Joint Powers Financing Authority, and South Tahoe Joint Powers Parking Authority shall be held, without the necessity for notice, the second and fourth Tuesday of July, August and September; and the first and third Tuesday of October, November and December. Regular meetings will be held at City Hall, Council Chambers, located at 1901 Lisa Maloff Way, South Lake Tahoe, California. The regular meeting shall begin at 9:00 a.m.

a. Posted Agendas: The City Clerk shall post the agenda for every City Council/STRSA/STJPFA/STJPPA meeting in the inside and outside enclosed bulletin boards at the City Hall, located at 1901 Lisa Maloff Way and on the Services Center bulletin board outside kiosk at the Services Center at located at 1052 Tata Lane. Agendas are available at no charge from the City Clerk's Office in the Administrative Center and on the City Clerk's Web Page at www.cityofslt.us.

b. Location During Local Emergency - If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the City Council Chambers, or if the Council Chambers are being used as the Emergency Operations Center, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the City Manager. The City Clerk will provide public notice of change in meeting location, consistent with the Brown Act.

2. Chair - The Mayor shall preside over all Council meetings. The Mayor shall have authority to preserve order at all Council meetings, to remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council.

Absence of Mayor - The Mayor Pro Tem shall act as Mayor in the absence or disability of the Mayor.

3. Attendance by the Public - All meetings of the Council shall be open and public in accordance with the terms, provisions and exceptions consistent with the Ralph M. Brown Act (Government Code sections 54950, et seq.).

4. Action Agenda Items - In accordance with the Ralph M. Brown Act, the Council may not act on any item that did not appear on the posted Council agenda 72 hours prior to the regular Council meeting unless an exception is made as permitted under Government Code section 54954.2.

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5. **Special Presentations** - All special presentations will be calendared and coordinated through the City Clerk and will be limited to one per meeting, to be held at the beginning of the meeting and shall not exceed 15 minutes for each Council Meeting.
6. **Councilmember Reports** - The Council Reports section of the agenda provides Council the opportunity to briefly comment on Council business, city operations, city projects, attendance at meeting(s) attended as a City-appointed Representative and other items of interest to the Council. This is also the opportunity for a Councilmember to request a specific issue come back on a future agenda for consideration and possible action as set forth in paragraph 8 below or to request a majority consensus of the Council to direct staff to research, explore, examine or make inquiry into a specific item of interest.
7. **Proclamations and Certificates of Appreciation** – Under Councilmember Reports, any Councilmember may request the City Manager place a City Council Proclamation or Certificate of Appreciation on a future agenda in accordance with the procedures in Paragraph I(8) of these Protocols (Placement of Item on Future Agenda). When time is of the essence, the Mayor may sign a proclamation on behalf of the City and it will be placed on the next City Council meeting agenda as an informational item by the City Clerk.

City Council Proclamations and Certificates of Appreciation are signed by the Mayor and may be presented at a City Council meeting or delivered directly to a community member/organization.

All Proclamations and Certificates of Appreciation will be prepared by the City Clerk or designee.

8. **Placement of Item on Future Agenda** – Under Councilmember Reports, a Councilmember may request that an item be placed on a future agenda. Upon the support of one (1) additional Council Member, direction shall be given to the City Manager to calendar the item for a convenient future agenda, but no sooner than the second meeting after the request was made.
9. **Consent Calendar** - Agenda items removed from the consent calendar by Councilmembers will be considered at the conclusion of the vote passing the Consent Agenda. Any discussion on an item will require pulling the item from the consent calendar. A Councilmember may comment or ask clarifying questions prior to taking the vote to pass the Consent Agenda. A Councilmember may vote “No” on any consent item without discussion prior to taking the vote to pass the Consent Agenda.
10. **City Manager and City Attorney Reports/Updates on Topics of Interest** - Each agenda shall have a section for topics of interest to be listed in order for the City Manager and City Attorney to provide a brief report/update on the listed topics. Council may ask questions or hold brief discussion at this time.
11. **Adjournment** – The Council will establish the hour of adjournment by a majority vote of the Council.

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- 12. Teleconferencing** - As provided in the Brown Act, teleconferencing (a meeting connected by electronic means, through either audio or video, or both, when the members are in different locations) may be used for all purposes during any meeting. At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction (i.e. City of South Lake Tahoe limits). Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, if applicable. Agendas must be posted at each teleconference location, even if a hotel room or a residence. Each teleconference location must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location. All votes must be by roll call.
- 13. Electronic Communications & Devices** – City Council members will not utilize electronic mail (email or text messages) to send messages during the Council meeting. Due process requires Council's full deliberation during Council meetings on items before the Council for consideration. City Councilmembers will not utilize the internet during Council meetings to receive information on items on the agenda that are not disclosed to the entire City Council and public. Outside of City Council meetings, Councilmembers should not communicate via electronic communication (email/text) with more than one other member of the City Council on any issue regarding City business.

II. RULES OF CONDUCT

- 1. General Procedure** - It is the policy of the Council not to become involved in the entanglements over parliamentary procedure. The Council shall conduct their meetings consistent with Rosenberg's Rules of Order, as modified in these protocols and are subject to the City Attorney's ruling on the matter.
- 2. Addressing Members of the Public and Staff** - In addressing the public and members of the City's staff, Councilmembers will generally refer to persons as Mr., Mrs., or Ms. followed by their surname.
- 3. Authority of the Chair** - The Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.
- 4. Mayor to Facilitate Council Meetings** - The Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of Council meetings. In the role as facilitator, the Mayor will assist the Council to focus on their agenda, discussions and deliberations.
- 5. Council Deliberation & Order of Speakers** - The Mayor has been delegated the responsibility to control the debate and the order of speakers.
- 6. Limit Deliberations to Item at Hand** - Councilmembers will limit their comments to the subject matter, item or motion being currently considered by the Council.
- 7. Length of Council Comments** - Councilmembers will govern themselves as to the length of their comments or presentation. As a courtesy, the Mayor will signal by hand to a Councilmember who

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has been speaking for over five (5) minutes. The intent of the hand signal is a courtesy to let the Councilmember know they have been speaking for approximately five minutes and may want to consider wrapping up their comments. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers in their efforts to communicate concisely.

- 8. Obtaining the Floor** - Any member of the Council wishing to speak must first indicate to the Mayor their desire to speak by electronically pressing their “call to speak” button. The Councilmember shall then wait for the Mayor to recognize and call upon the Councilmember to obtain the floor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so.
- 9. Motions** - Motions may be made by any member of the Council, including the presiding officer, providing that before the presiding officer offers a motion, the opportunity for making a motion should be offered to other members of the Council. Any member of the Council, other than the person offering the motion, may second a motion.
- 10. Procedure for Motion** The following is the general procedure for making motions:
 - a. Before a motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Mayor.
 - b. Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, however, Councilmembers may be allowed to explain their vote.
- 11. Tie Votes** - A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
- 12. Abstention** – If a Councilmember abstains from voting, except when abstaining due to a conflict of interest, he/she is counted as present for quorum purposes, but, is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those members present and voting.” If the member abstains due to a conflict of interest, the Councilmember will not be counted toward making a quorum and will not be deemed to be “voting” for purpose of determining whether there has been a “majority vote of those members present and voting.”
- 13. Motions for Reconsideration**
 - a. Requests for Motions for reconsideration of a matter may be made at the same meeting or by request to the City Manager within 48 hours after the conclusion of the meeting following a Council action and shall be scheduled for the next meeting.
 - b. A proposed motion for reconsideration at the next succeeding meeting must comply with Brown Act noticing requirements.
 - c. Motions for reconsideration may only be made by a Council member that voted with the majority of the City Council on the action proposed to be reconsidered by the Council. In the case of a tie vote, the prevailing side or majority of the Council will be deemed to be those Councilmembers who voted in the negative.
 - d. Any member of the Council may second a motion for reconsideration.

III. PUBLIC HEARINGS

1. General Procedure - The Council procedure for the conduct of public hearings is generally as follows:

- a. The Mayor opens the public hearing.
- b. Staff presents its report.
- c. Councilmembers may ask questions of staff if they so desire.
- d. The applicant then has the opportunity to present comments, testimony or arguments.
- e. Members of the public are provided with the opportunity to present their comments, testimony or argument.
- f. The applicant and staff may be given an opportunity for rebuttal or concluding comments
- g. The public hearing is closed. No further public comment is allowed.
- h. The Council deliberates on the issue and takes action.
- i. If the Council raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant or appellant), the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing is again closed.
- j. The Council deliberates and takes action.
- k. The City Clerk announces the final decision of the Council.

2. Time for Consideration - Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.

3. Public Discussion at Hearings - When a matter for public hearing comes before the Council, the Mayor will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter.

- a. **Public Member Request to Speak** - Any person desiring to speak, or present evidence shall make his/her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor.
- b. **Council Questions of Speakers** - Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. Councilmembers should avoid raising questions as a method to extend the allocated time for a speaker.
- c. **Public Oral Presentation**- All Council rules pertaining to oral presentation by members of the public apply during public hearings.
- d. **Materials for Public Record** - All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. The City Clerk as part of the Clerk's record of the hearing will retain all such evidence presented, unless otherwise directed.
- e. **Germane Comments** - No person will be permitted during the hearing to speak about

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matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor.

4. **Communications and Petitions** - Written communications and petitions concerning the subject matter of the hearing will be noted at the meeting by the City Clerk as part of the permanent public record. A reading in full shall take place if requested by any member of the Council.

IV. ADDRESSING THE CITY COUNCIL

1. **Staff Reports and/or Applicant Presentations** - Staff is requested to provide an executive summary of their written staff report. Applicant presentations shall be limited to no more than fifteen (15) minutes. Longer presentations must be approved by the City Manager prior to the Council meeting.
2. **Oral Comments by Members of the Public** - Oral comments by members of the public at City Council meetings on an item listed on the agenda are as follows:
 - a. Oral comments may not exceed three (3) minutes, unless otherwise provided.
 - b. When called upon, the person should come to the podium, state his/her name for the record, and, if speaking for an organization or other group, identify the organization or group represented.
 - c. All remarks should be addressed to the Council as a whole, not to individual members.
3. **Public Communications** - This is the public's chance to speak on any topic not listed on this agenda. In compliance with Government Code Section 54954.3 (Chapter known as the "Brown Act"), Public Communications is that portion of City Council meeting set aside for members of the public to address the City Council on items of any City business other than scheduled agenda items. This portion of the meeting is videotaped, televised on Channel 21 and web streamed live and on demand. ***All speakers are encouraged to complete a Speaker Form, which is located on the podium near the rear of the Council Chambers, and to submit it to the City Clerk who will provide it to the Mayor prior to the commencement of the meeting.***
 - a. **Timing** - Public Communications are held at the beginning and end of a Council meeting, as specified on the City Council agenda as set forth above, in accordance with the Brown Act. The Mayor shall request that comments should be held to four (4) minutes, or less, and that commenters speak either during Public Communications at the beginning or the end of the meeting, but not both. If the Mayor has knowledge at the beginning of the public comment period that several members of the public are present to comment on a particular issue, he/she may ask for a show of hands of those individuals requesting to comment on the issue. If ten (10) or more individuals are present to speak on the issue, the Mayor may limit their comment time to two (2) minutes, or he/she may ask that a spokesperson be appointed to represent and speak on behalf of those individuals collectively.
 - b. **Council Deliberations Prohibited** – In compliance with the Brown Act, the Council may not deliberate or vote on any matter raised in Public Comments. The Mayor, however, may request the City Manager to provide additional information on a matter of general interest to the full Council or the public at large. To insure compliance with the Brown Act, items requiring discussion or action by the Council should be scheduled for a future agenda.
4. **Agenda Item Oral Presentations** - Any member of the public wishing to address the Council

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orally on City business matters appearing on the Council agenda may do so when that item is taken up by the Council, or as otherwise specified by the Council or its presiding officer.

- a. **Time Limit** - Oral presentations may not exceed three (3) minutes unless otherwise provided.

The Mayor, with the concurrence of the City Council, may alter any of the numerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

- b. **Presentations Submitted in Writing** - Persons who anticipate oral presentations exceeding three (3) minutes are encouraged to submit comments in writing at the earliest possible time, for distribution to the Council and other interested parties. Comments should be submitted sufficiently in advance of the scheduled meeting date to insure distribution to the Council prior to the meeting.

- 5. **Power Point Presentations** – Members of the public may present a Power Point software presentation to the Council utilizing the City's audio/visual equipment, provided that the public make their request to the City Clerk 72 hours in advance of the meeting in order to coordinate with the Information Systems Division for the use of the equipment.

- a. All Power Point presentations must comply with applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.
- b. A printed hard copy of the Power Point presentation must be provided to the City Clerk for the public record.

- 6. **Comments in Writing Encouraged** - Members of the public may submit, and are encouraged to submit, comments in writing to the City Council in care of the City Clerk relating to any items of City business, whether on the City Council agenda or otherwise. Such written comments will be distributed to members of the Council and considered and acted upon, or not acted upon, as the City Council in its judgment may deem appropriate. If a written communication is regarding an item on the Council agenda, citizens are requested to present their written communications at least one day prior to the Council meeting. If a citizen wishes his/her communication be included in the Council's agenda packet prior to the meeting, it must be received no later than Thursday Noon prior to the Tuesday Council meeting. All written communications received prior to or at the meeting will be noted at the meeting as part of the permanent public record and will be included in the agenda packet and posted on the City's website.

- 7. **Comment Cards** (Use Speaker Forms) - Members of the public who do not wish to or cannot verbally address the Council during a meeting may use a Speaker Form. A person may indicate their comments and their opposition or support for an agenda item on a comment card.

During the public testimony of the item, the Mayor shall ask the City Clerk if any comment cards have been received and ask the Clerk to note the number of comment cards received and the name of person(s) in support or opposition of the project or issue. The minutes will reflect the Council's receipt of comment cards in opposition and support of the project or issue.

- 8. **Repetitious or Dilatory Comments Prohibited**

- a. A speaker shall not present the same or substantially same items or arguments to the Council repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further.

Nothing in the foregoing precludes submission of comments to the City Council in writing for such action or non-action as the Council, in its discretion, may deem appropriate.

- b. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged.

Whenever any group of persons wishes to address the Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. With the consent of the City Council, the Mayor may extend the time allocation for a designated spokesperson.

- 9. Suspending of the Rules** - Any of the foregoing rules may be waived by two-thirds (2/3) vote of the Councilmembers present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.

- 10. Non Exclusive Rules** - The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

V. APPEALS

1. General Procedure - The Council procedure for the conduct of appeals is generally as follows:

- a. The Mayor explains the Council is considering the appeal of ___ regarding ___, and confirms that notice of the appeal hearing has been given to the appellant.

- b. Council hears evidence and testimony in the following order:

- i. Any opening statement or remarks by the appellant and/or appellant's attorney and evidence or testimony from the appellant (requested time limit - 10 minutes) followed by any questions by Councilmembers or others (including staff) who wish to ask questions (suggested time - 3 minutes per Councilmember).
- ii. Any evidence or testimony from staff members concerning any issues raised surrounding this matter (time scheduled - 10 minutes), followed by comments by the applicant, if the applicant and appellant are different parties. (requested time limit – 10 minutes), followed by any questions by the appellant and Councilmembers (suggested time - 3 minutes per speaker).
- iii. Any evidence or testimony from the appellant and/or appellants attorney in rebuttal to or in clarification of any other evidence or testimony presented, and any closing statement or remarks that the appellant wishes to make (requested time limit - 5 minutes).
- iv. Public Comment (time limit – 3 minutes per speaker)

- c. The Mayor shall conduct the appeal in such a manner as to afford due process to the

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appellant.

- d. Following the presentation of testimony, the Council deliberates on the evidence and testimony presented, and votes on whether to grant the appeal, provided they have all the necessary information. If issues are raised during the appeal hearing that cannot be immediately responded to by Staff, the Hearing should be continued to have such information available for the appeal process.
- e. The City Clerk announces the final decision of the Council.

VI. CLOSED SESSION

1. Announcement prior to closed sessions

- a. Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.
- b. After any closed session, the legislative body shall reconvene into open session and shall make any disclosures required by Gov Code section 54957.1 of action taken in the closed session.
- c. The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

2. Statement of Reasons for Closed Sessions

- a. Prior to adjourning to any closed session, the City Council shall announce in open session the general reason or reasons for the closed session and must cite and explain the statutory or case authority under which the session is being closed.
- b. In the case of a closed session item added to the agenda pursuant to Government Code Section 54954.2(b) herein, the statement shall be made in open session concurrent with the findings required pursuant to that section.
- c. If a closed session item or session has been adjourned or continued from a prior meeting, the body shall re-state the reasons for closed session before reconvening the closed session.
- d. Nothing in this section shall require or authorize a disclosure of information that is confidential under law.

3. Conduct of closed session.

The Council shall consider in closed session only those matters authorized by the Ralph M. Brown Act.

4. Disclosure of closed session discussions and actions.

- a. In accordance with Government Code Section 54963 and as provided below, a person present at a closed session may not disclose confidential information received.
- b. In addition to the required disclosures pursuant to Government Code Section 54957.1 and subsection C below, the Council may, by motion and vote in open session, elect

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- to disclose any other information obtained in closed session which a majority of the members of the body deems to be in the public interest. Any disclosure pursuant to this section shall be made through the Mayor or such other person present in the closed session, designated to convey the information.
- c.** Immediately following the closed session, the Council or City Attorney shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

 - i.** Real Property Negotiations: Approval of an agreement concerning real estate negotiations pursuant to Government Code section 54956.8 shall be reported as soon as the agreement is final in accordance with Government Code section 54957.1(a)(1). If notwithstanding the final approval there are conditions precedent to the final consummation of the transaction, or if there are multiple contiguous or closely located properties that are being considered for transfer, the report specified in this section need not be made until the conditions have been satisfied or an agreement has been reached with respect to all the properties, or both.
 - ii.** Litigation: Direction or approval given to the Council's legal counsel to prosecute, defend, seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation under Government Code section 54956.9 shall be reported in open session in accordance with Government Code section 54957.1(a)(2).
 - iii.** Settlement: Council approval given to its legal counsel of a settlement of pending litigation, as defined in Government Code section 54956.9, shall be reported in open session after the settlement is final in accordance with Government Code section 54957.1(a)(3).
 - iv.** Personnel Actions: Council action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee shall be reported in open session in accordance with Government Code section 54957.1(a)(5).
 - v.** Labor Negotiations: Council action taken to approve an agreement concluding labor negotiations with represented employees shall be reported in open session in accordance with Government Code section 54957.1(a)(6).
 - d.** Reports required to be made pursuant to this section may be made orally or in writing. Copies of any contracts, settlement agreements, or other documents related to the items or transactions that were finally approved or adopted in closed session and which contain the information required to be disclosed under this section shall be made available for inspection and copying, upon request, at the time the report is made or after any substantive amendments have been retyped into the document.
 - e.** A written summary of the information required to be reported immediately pursuant to this section, or documents containing that information, shall be made available for inspection and copying by the close of business on the next business day following the meeting.
 - f.** Action taken in closed session which is not immediately disclosable under this section shall be disclosed and noticed under the procedures set forth in (C) above at such time as disclosure is required.

5. Violations of Disclosure of Confidential Information

- a. A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Government Code Sections 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the Council authorizes disclosure of that confidential information as set forth above.
 - b. "Confidential Information" means a communication made in a closed session that is specifically related to the basis for the Council to meet lawfully in closed session under the Ralph M. Brown Act.
 - c. Disclosure of confidential information in violation of the Brown Act may be addressed by the use of such remedies as are currently available by law, including, but not limited to:
 - i. City Council may by three affirmative votes censure a member of the Council who is disclosing confidential information. Censure may include other penalties, including but not limited to, the removal of the member of the legislative from committees, prohibiting travel of Council Member on official City business, removal of Council Member picture from any public displays, the prohibition of Council Member speaking at any function on the behalf of the Council. The City Council shall review any censure of a Council Member at the first regular Council Meeting after 30 days from the censure.
 - ii. Direction to City Attorney to refer a member of the Council who has willfully disclosed confidential information in violation of this section to the District Attorney and/or grand jury.
 - iii. Direction to City Attorney to file for Injunctive relief against a member of the City Council allegedly disclosing confidential information to prevent further disclosure of confidential information prohibited by this section.
 - iv. Disciplinary action against the City Manager or City Attorney who has willfully disclosed confidential information in violation of this section.
 - d. Disciplinary action pursuant to section (c) of subdivision (ii) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.
 - e. The Council may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:
 - i. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by the Council or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by the Council.
 - ii. Expressing an opinion concerning the propriety or legality of actions taken by the Council in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.
 - iii. Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.
 - f. Nothing herein shall be construed to prohibit disclosures under the whistleblower statutes

contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of the Government Code.

6. Procedures for Censure of a Council Member

Any member of the City Council may request to place on a future agenda, a censure hearing of a Council Member. The request must include specific allegations of conduct in violation of federal, state or City ordinances or policies upon which the proposed censure is based. If at least one (1) additional Council Member supports the request, direction shall be given to City Manager to calendar the item for a future agenda or Council shall appoint an ad hoc committee to investigate the charges.

If a majority of the Council determines an investigation is warranted, Council shall designate an ad hoc committee consisting of two of its members, including the Mayor (unless the Mayor is the subject of the charges in which case the Mayor Pro Tem shall be appointed), to conduct the investigation. The Council may select an independent investigator to assist in conducting the investigation. The independent investigator would be managed by the ad hoc committee to conduct the investigation.

In the course of the investigation, the committee must determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his or her knowledge of the facts surrounding the allegations. If a witness is unwilling to submit such a declaration, the Council may issue a subpoena to compel the witness' testimony, consistent with its subpoena power granted under the Government Code.

At the conclusion of the investigation, the results shall be presented in writing to the full Council. Based on the results, any two individual Council members may file a request for censure hearing in accordance with the provisions of this policy.

a. The following guidelines apply to ad hoc committee investigations:

- i.** The committee may be staffed by administrative and legal staff.
- ii.** If authorized by City Council, the committee may subpoena witnesses and documents.
- iii.** In making a determination, the committee should determine if taking all the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the conduct, violation, or offense occurred.
- iv.** The committee shall issue a final report and recommendations to the City Council. The final report shall be made available to the public.

- b.** If a censure hearing is set, it must be set far enough in advance to give the member of Council subject to the charges adequate time to prepare a defense, and that member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The member subject to the charges may be represented and may have the representative speak or question on his or her behalf. The Mayor, or Mayor Pro Tem if the Mayor is the subject of the charges, shall preside at the hearing. The rules of evidence shall not apply to the hearing, which is not a formal adversarial proceeding. The City Attorney or designee shall provide legal advice to the City Council during the hearing.

A decision to censure requires the adoption of a Resolution making findings with

City Council Protocols

regard to the specific charges, based on substantial evidence, and approved by the affirmative vote of at least three (3) Council Members

In accordance with Government Code section 995, upon request of a Council Member, the City shall reimburse the Council Member's reasonable attorney fees and costs in defending himself/herself.

VII. POLICY DECISION MAKING PROCESSES

1. **Mayor and Mayor Pro Tem Term of Office** - Beginning December 3, 2019, the Mayor and Mayor Pro-Tem shall serve a nine (9) month term of office. If a City Council election occurs during the 9-month term, at their first meeting following the election, the mayor and mayor pro tempore must be reconfirmed to complete their remaining term of office pursuant to City Code section 2.05.050(A).
2. **Subcommittees** - City Council subcommittees are formed on an as needed basis with a clearly defined purpose and term. Subcommittees will consist of two Councilmembers agreed upon by a consensus of the Council. Meetings of the Council subcommittees are not open to the public, unless specified by the Council.
3. **Councilmember Appointments & Assignments** - The City Council at their December meeting of each year shall discuss and make appointments and assignments to various boards and commissions and then will vote and approve the final list at their next regular meeting. A copy of the list is made a part of the public record and kept on file in the City Clerk's Office.
3. **Mayor to Act as Council Ceremonial Representative** - The Mayor has been delegated the responsibility to act as the City Council's ceremonial representative at public events and functions. In the Mayor's absence, the Mayor Pro Tem assumes this responsibility. In both the Mayor and Mayor Pro Tem's absence, the Mayor will appoint another Councilmember to assume this responsibility. The Mayor may use the Council's Meetings and Travel Budget to pay for such functions.
4. **Councilmember Participation in Community Activities** - From time to time, Councilmembers may choose to participate in community activities, committees, events, and task forces. This is allowable under the Brown Act. *The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if the majority engages in a collective deliberation process outside a scheduled meeting of the body. The term meeting is not limited to gatherings at which action is taken but also includes deliberative gatherings.*
5. **Workshops** – A workshop is a time to study or examine a particular issue in greater depth and to allow additional time for questions. A workshop may be held during a regular or special meeting and generally no formal action will be taken on workshop items or during a workshop. Questions raised during workshops by Councilmembers and/or members of the public will be directed to staff. Staff may request a brief recess in order to provide verbal answers not readily available, or, the information may be provided to the Council at the time the item is placed back on the agenda for further discussion and action.
6. **City Attorney as Protocol Advisor** – The City Attorney assists the Mayor as a resource to confer with and an advisor for interpreting the City Council's adopted protocols.
7. **Applicability of Protocols** - The City of South Lake Tahoe City Council Protocols shall also apply

City Council Protocols

to the City Council when sitting as other entities or agencies.

- 8. Conflicts of Interest** – No Councilmember shall make, participate in making, or in any way attempt to use his or her official position to influence a decision on any issue when prohibited from so doing by law. A Councilmember disqualified from participation due to a conflict of interest shall not be considered present at the meeting for the item(s) of business on which such member is disqualified.

*References: Ralph M. Brown Act
Rosenberg's Rules of Order*

CITY COUNCIL TRAVEL

The City's adopted Financial Management Meeting and Travel Policy (Attachment 3), primarily provided policies for travel and reimbursements for City employees that were inconsistently applied to City Councilmembers. The policy did not consider Councilmembers' occasional travel, each individual Councilmembers decisions on travel and meeting attendance. The following guidelines are recommendations for City Council considerations:

- a. **Approving Official:** The Mayor shall be the City Manager's Approving Official for Travel and Reimbursement Requests. The Mayor shall be the Approving Official for City Councilmember Travel and Reimbursement Requests.
- b. **General Travel on Behalf of the City:** Councilmembers traveling on behalf of the City expecting reimbursement of expenses must first obtain approval of the travel by the City Council and coordinate their travel through the City Clerk's Office who will generally charge all expenses to the City (rather than reimburse Councilmembers). As noted in the policy (pg 10), any unused reservation will be paid for by the Councilmember.
- c. **Councilmembers appointed by the City Council to serve on a committee or board on behalf of the City or as a representative of the City:** Councilmembers shall be entitled to reimbursement for mileage and meals for meetings outside of Lake Tahoe Basin in accordance with the adopted Travel Policy. Councilmembers may be request reimbursement for one overnight stay for a meeting more than two hours away from South Lake Tahoe.
- d. **Councilmembers serving on a committee or board of their own choosing:** Councilmembers may request reimbursement for travel expenses from the City Council.
- e. **Conferences/Professional Events:** Councilmembers who wish to attend a conference or professional event related to their work as a public official shall request approval of their travel in advance by the City Council at a regular Council meeting. The City Clerk shall place the request on the next available Council agenda.
- f. **Miscellaneous expenses:** Councilmembers may request reimbursement from the City Council for miscellaneous expenses related to their work as a City Councilmember that could include, but are not limited to, representing the City's interests at organized activities, events, meetings and formal and informal gatherings.

Resolution 2020-055

Adopted by the City of South Lake Tahoe City Council

June 9, 2020

2020 City Council Meeting Schedule (Replaces Resolution 2019-079)

BACKGROUND

- A. In accordance with Government Code Section 54954 (a), the City Council sets the regular meeting schedule on the second and fourth Tuesday in the months of June, July, August, and September, and on the first and third Tuesday in October, November and December.
- B. City Council meetings are held at 9:00 a.m. at City Hall, City Council Chambers, 1901 Lisa Maloff Way, South Lake Tahoe.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, BE IT RESOLVED,
that the City Council of the City of South Lake Tahoe:

1. Does hereby adopt the 2020 Regular Meeting Schedule (Exhibit A).

Adopted by the City of South Lake Tahoe City Council on June 9, 2020 by the following vote:

Yes: Bass, Collin, Laine, Middlebrook and Wallace

DocuSigned by:

Jason

3679674408434702

Jason Collin, Mayor

6/10/2020

Date: _____

Attest:

DocuSigned by:

Susan Blankenship, City Clerk

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the South Lake Tahoe City Council.

Exhibit A



2020 City Council Regular Meeting Schedule

City Hall - City Council Chambers

1901 Lisa Maloff Way, South Lake Tahoe

Meetings commence at 9:00 a.m.

Tuesday, June 23, 2020

Tuesday, July 14, 2020

Tuesday, July 28, 2020

Tuesday August 11, 2020

Tuesday, August 25, 2020 – Budget Workshop

Tuesday, September 8, 2020

Tuesday, September 22, 2020 - Budget Workshop

Tuesday, October 6, 2020

Tuesday, October 20, 2020

Tuesday, November 3, 2020

Tuesday, November 17, 2020

Tuesday, December 1, 2020

Tuesday, December 15, 2020

City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: June 23, 2020

Agenda Item #: 7.



Agenda Item: COVID-19 Update

Executive Summary: To ensure City Council and the public have the opportunity to hear from City staff on the most current and relevant information related to COVID – 19 and recovery efforts the COVID – 19 Status Update has been added to all City Council agendas going forward.

Responsible Staff Member: Joe Irvin, City Manager

Requested Action / Suggested Motions: Receive and file.

Responsible Staff Member: Joe Irvin, City Manager (530) 542-6043

Reviewed and Approved By:

Attachments:

[COVID -19 Staff Report.docx](#)



City of South Lake Tahoe

Report to City Council

Meeting Date: June 23, 2020

Title: COVID – 19 Status Update

Location: Citywide

Responsible Staff Member: Joe Irvin, City Manager (530) 542-6043

Background:

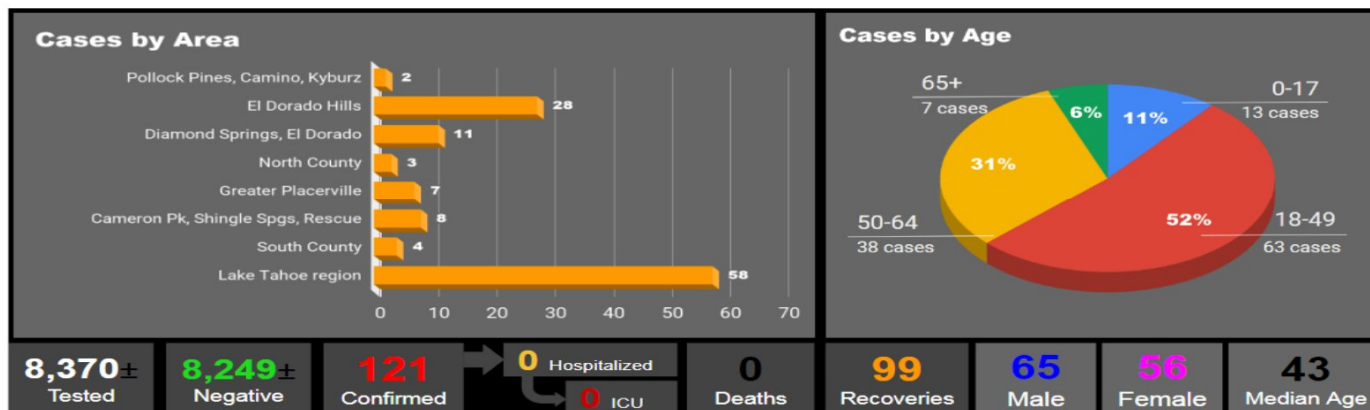
To ensure City Council and the public have the opportunity to hear from City staff on the most current and relevant information related to COVID – 19 and recovery efforts the COVID – 19 Status Update has been added to all City Council agendas going forward.

Issue and Discussion:

At the time of this staff report being prepared the Cases of COVID – 19 were as follows:

Coronavirus 2019 (COVID-19) Cases

Cases in El Dorado County



As of June 17, 2020 at 3:00 p.m. Please note: our case count changes rapidly as we receive information from several sources and it takes time to verify the accuracy of each report. Community transmission is occurring in El Dorado County. No area of the county is considered to be low risk.

Staff has been and continues to stay in touch with Barton Health to receive the most current and up to date information on COVID – 19 effects to our local hospital system. At this time, there are no negative impacts to the health of our local hospital system.

Communications related to COVID – 19 continue to include the use of the City's home page button directing website visitors to helpful COVID – 19 information. Staff also continues to issues

pertinent information via news releases and we are working with both Chambers to ensure businesses have the resources they need to be successful and safe as they reopen.

Staff has received some comments from the public expressing concern over the lack of usage of face coverings. While there are no requirements to wear a face covering, Staff continues to push out information on all social media platforms recommending the usage of face coverings as a safe and appropriate mitigation strategy for those venturing out into public spaces and places of commerce.

Financial Implications:

None.

Environmental Considerations:

None.

Policy Implications:

None.

City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: June 23, 2020

Agenda Item #: 8.



Agenda Item: Confirmation of Emergency Order No. 4 Related to Fees for Shared Mobility Devices

Executive Summary: The Director of Emergency Services has issued Emergency Order No. 4 temporarily modifying the City's current fee structure for shared mobility devices from seventy-five dollars (\$75.00) per device to ten-cents per ride for the 2020 season.

Requested Action / Suggested Motions: Pass a Resolution confirming Emergency Order No. 4 of the Director of Emergency Services.

Responsible Staff Member: Beverly A. Roxas, Assistant City Attorney

Responsible Staff Member: Beverly A. Roxas, Assistant City Attorney (530) 542-7477

Reviewed and Approved By:

Heather Stroud, City Attorney

Susan Blankenship, City Clerk,

Debbie McIntyre, Administrative Services Director

Attachments:

[01 - Staff Report Confirming Emergency Order No. 4.docx](#)

[02-Resolution Confirming Emergency Order No. 4.docx](#)

[03 - Emergency Order No. 4 \(Exh. A to Resolution\)](#)



City of South Lake Tahoe

Report to City Council

Meeting Date: June 23, 2020

Title: Confirmation of Emergency Order No. 4

Location: Citywide

Responsible Staff Member: Beverly Roxas, Asst. City Attorney (530) 542-7477

Background:

COVID-19 continues to cause world-wide health concerns and an economic slowdown that is fiscally impacting the City and its residents and businesses.

The City Council has recognized shared mobility devices (SMD) as a key affordable transportation option to fill in the gaps between public transit. With the implementation measures of public health guidelines from the CDC, State of California and El Dorado County, SMDs may provide a desirable mode of transportation for those who are practicing social distancing in response to the spread of COVID-19.

The City's current fee structure for SMDs is seventy-five dollars (\$75.00) per device that is deployed in the City.

Lime, which has been the sole shared mobility operator in the City, has indicated that based on the unpredictability of the season and its late start due to COVID-19, it will not deploy any SMDs in the City this season under the City's current fee structure. No other operators have applied to operate this season.

Pursuant to Section 1.15.030(C)(7)(a) of the South Lake Tahoe City Code, when a local emergency has been proclaimed, the Director of Emergency Services is empowered to make rules and regulations on matters reasonably related to life and property as affected by such emergency, subject to confirmation by City Council at the earliest practical time.

At the City Council meeting on June 9, City Council directed the Director of Emergency Services to issue an emergency order authorizing a temporary modification of the the City's current fee requirement of seventy-five dollars (\$75.00) per device to ten-cents per ride for the 2020 season.

Issue and Discussion:

Pursuant to Council direction, the Director of Emergency Services has issued Emergency Order No. 4 temporarily modifying the City's current fee structure of seventy-five dollars (\$75.00) per

device to 10 cents per ride for the 2020 season only. Any SMD mobility device permittees operating in the 2020 season are required to follow all applicable health guidelines of the CDC, State of California and El Dorado County.

Financial Implications:

The modified fee requirement of ten cents per ride charge would generate around \$20,000, approximately 2/3rds of the budgeted 2019-2020 revenue.

Environmental Considerations:

This action is statutorily exempt under California Environmental Quality Act section 20180(b)(4) (specific actions necessary to prevent or mitigate an emergency).

Policy Implications:

Emergency Order No. 4 balances the demand for this alternative mode of transportation with cost recovery while ensuring compliance with applicable public health guidelines to limit the spread of COVID-19..

Resolution 2020-XXX

**Adopted by the City of South Lake Tahoe
City Council**

June 23, 2020

Confirmation of Emergency Order No. 4

BACKGROUND

- A. Under Section 1.15.030(C)(7) of the South Lake Tahoe City Code, when a local emergency has been proclaimed, the Director of Emergency Services is empowered to make rules and regulations on matters reasonably related to life and property as affected by such emergency, subject to confirmation by City Council at the earliest practical time.
- B. On March 4, 2020, the Governor of California proclaimed a state of emergency to exist in California as a result of the threat of COVID-19.
- C. On March 17, 2020, the El Dorado County Board of Supervisors ratified a declaration of a local public health emergency under California Health & Safety Code section 101080 and a declaration of county-wide local emergency under California Government Code section 8630, both in response to COVID-19.
- D. On March 19, 2020, the City Manager, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency pursuant to section 1.15.030(C) of the South Lake Tahoe City Code.
- E. On March 20, 2020, the City Council ratified the proclamation of local emergency issued by the Director of Emergency Services.
- F. The COVID-19 pandemic has substantially impacted the local economy by causing a drastic reduction in tourism and has caused serious negative impacts to local residents including substantial loss of income due to the loss of compensable work hours and non-essential business closures ordered by the Governor in Executive Order N-33-20.
- G. The City Council has recognized shared mobility devices as a key affordable transportation option to fill in the gaps between public transit.
- H. With implementation of public health guidelines from the CDC, State of California, and El Dorado County, shared mobility devices may provide a desirable mode of transportation for those who are practicing social distancing in response to the spread of COVID-19.

- I. South Lake Tahoe City Code section 4.185.050 regulates the permitting requirements for shared mobility devices, including a seventy-five dollar (\$75.00) non-refundable fee for each device deployed in the City.
- J. Lime, which historically has been the only shared mobility device operator in the City, has indicated that based on the unpredictability of the season and the late start due to COVID-19, it will not deploy any shared mobility devices in the City this season under the City's current fee structure, and no other operators have applied for permits to operate this season.
- K. During this local emergency, and in the interest of protecting the public health and preventing the spread of COVID-19, a requirement to comply with applicable public health guidelines and a temporary modification of the City's current fee structure for shared mobility devices is necessary to facilitate deployment of shared mobility devices in the City for the 2020 season.
- L. On June 11, 2020, the Director of Emergency Services issued Emergency Order No. 4, attached hereto as Exhibit A, temporarily modifying the City's current fee structure set forth in Section 4.185.050(A)(5) from a fee of \$75 per device to ten-cents per ride for the 2020 season ending on October 31, 2020.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, BE IT RESOLVED, that the City Council of the City of South Lake Tahoe:

- 1. Confirms Emergency Order No. 4.

Adopted by the City of South Lake Tahoe City Council on June 23, 2020 by the following vote:

Yes:

No:

Absent:

Abstain:

Date:_____

Jason Collin, Mayor

Attest:

Susan Blankenship, City Clerk

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the South Lake Tahoe City Council.

ORDER NO. 4 OF THE DIRECTOR OF EMERGENCY SERVICES
FOR THE CITY OF SOUTH LAKE TAHOE, STATE OF CALIFORNIA

BACKGROUND:

- A. Under Section 1.15.030(C)(7) of the South Lake Tahoe City Code, when a local emergency has been proclaimed, the Director of Emergency Services is empowered to make rules and regulations on matters reasonably related to life and property as affected by such emergency, subject to confirmation by City Council at the earliest practical time.
- B. On March 4, 2020, the Governor of California proclaimed a state of emergency to exist in California as a result of the threat of COVID-19.
- C. On March 17, 2020, the El Dorado County Board of Supervisors ratified a declaration of a local public health emergency under California Health & Safety Code section 101080 and a declaration of county-wide local emergency under California Government Code section 8630, both in response to COVID-19.
- D. On March 19, 2020, the City Manager, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency pursuant to section 1.15.030(C) of the South Lake Tahoe City Code.
- E. On March 20, 2020, the City Council ratified the proclamation of local emergency issued by the Director of Emergency Services.
- F. The COVID-19 pandemic has substantially impacted the local economy by causing a drastic reduction in tourism and has caused serious negative impacts to local residents including substantial loss of income due to the loss of compensable work hours and non-essential business closures ordered by the Governor in Executive Order N-33-20.
- G. The City Council has recognized shared mobility devices as a key affordable transportation option to fill in the gaps between public transit.
- H. With implementation of public health guidelines from the CDC, State of California, and El Dorado County, shared mobility devices may provide a desirable mode of transportation for those who are practicing social distancing in response to the spread of COVID-19.

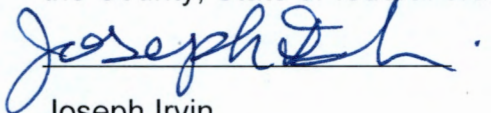
- I. South Lake Tahoe City Code section 4.185.050 regulates the permitting requirements for shared mobility devices, including a seventy-five dollar (\$75.00) non-refundable fee for each device deployed in the City.
- J. Lime, which historically has been the only shared mobility device operator in the City, has indicated that based on the unpredictability of the season and the late start due to COVID-19, it will not deploy any shared mobility devices in the City this season under the City's current fee structure, and no other operators have applied for permits to operate this season.
- K. During this local emergency, and in the interest of protecting the public health and preventing the spread of COVID-19, a requirement to comply with applicable public health guidelines and a temporary modification of the City's current fee structure for shared mobility devices is necessary to facilitate deployment of shared mobility devices in the City for the 2020 season.

NOW, THEREFORE, subject to confirmation by City Council, I, JOSEPH IRVIN, the Director of Emergency Services for the City of South Lake Tahoe, do hereby issue the following order to become effective immediately.

IT IS HEREBY ORDERED THAT:

- 1. Pursuant to the authority granted under Section 1.15.030(C)(7) of the South Lake Tahoe City Code, the current fee structure set forth in Section 4.185.050(A)(5) is hereby temporarily modified from a fee of \$75 per device to ten-cents per ride for the 2020 season ending on October 31, 2020. All other requirements of Chapter 4.185 of the South Lake Tahoe City Code remain in place.
- 2. Any shared mobility device permittees operating in the 2020 season are required to follow all applicable public health guidelines of the CDC, State of California, and El Dorado County and are directed to work with the El Dorado County Environmental Health Department on any COVID-19-related health concerns.

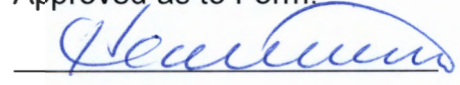
IT IS HEREBY FURTHER DECLARED AND ORDERED, this Order is a temporary emergency measure, which is effective immediately and shall remain in effect unless and until modified or suspended by the Director of Emergency Services, City Council or the County, State or federal order or declaration.



Joseph Irvin

Date: 6/14/2020

Director of Emergency Services/
City Manager

Approved as to Form:


Heather Stroud
City Attorney


~~Attest:~~
Susan Blankenship, City Clerk
City of South Lake Tahoe



City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: June 23, 2020

Agenda Item #: 9.



Agenda Item: Dig Once Policy for City Rights-of-Way

Executive Summary: The purpose of this policy is to encourage coordination between the City, utilities, and telecommunication service providers for installing and repairing infrastructure within City rights-of-way to minimize damage to City streets, traffic safety concerns, and inconvenience to the community. This policy would also facilitate installation of infrastructure to accommodate broadband within the City which is vital for communication, education, and economic development.

Requested Action / Suggested Motions: Pass a Resolution adopting City of South Lake Tahoe Policy Document Regarding Dig Once in Public Rights-of-Way.

Responsible Staff Member: Ray Jarvis, Director of Public Works

Responsible Staff Member: Ray Jarvis, Director of Public Works (530) 542-6031

Reviewed and Approved By:

Susan Blankenship, City Clerk

Debbie McIntyre, Director of Administrative Services

Heather Stroud, City Attorney

Attachments:

[01-Staff Report - Dig Once Policy](#)

[03-Dig Once Policy](#)

[02-Resolution Dig Once Policy](#)



City of South Lake Tahoe Report to City Council

Meeting Date: June 23, 2020

Title: Dig Once Policy for City Rights-of-Way

Location: Citywide

Responsible Staff Member: Ray Jarvis, Director of Public Works (530) 542-6031

Background:

The purpose of this policy is to encourage coordination between the City, utilities, and telecommunication service providers for installing and repairing infrastructure within City rights-of-way to minimize damage to City streets, and to facilitate installation of broadband infrastructure within the City which is vital for communication, education, and economic development.

The Public Works Department has developed an annual Road Rehabilitation program over the last three years with City Council support and has been able to fully reconstruct 6.5 lane miles of roadway. The Department program anticipates rehabilitating approximately 3 miles of City streets per year. Beginning last year, Southwest Gas implemented a multi-year program to replace vintage steel gas lines within public rights-of-way throughout the City. Other utilities, including Liberty Utilities, South Tahoe Public Utilities District, Lukins Brothers Water Company, Inc., TKPOA Water Department and Lakeside Park Mutual Water Company also have infrastructure within City rights-of-way. Additionally, Charter Communications, Inc. has cable, telephone, and internet infrastructure in the right-of-way, and it is anticipated that telecommunication service providers will need to install fiber optic cable within the City right-of-way to improve broadband capabilities within the City. Some of these entities operate under franchise agreements with the City and others do not.

The City's Public Work Standards require a full-width traffic lane pavement surface grinding and asphalt overlay where trenching work extends 250 linear feet or more. For cost efficiency and consistency, the City would prefer the entity performing the street cut repair the trench with a permanent patch and reimburse the City for the cost of the required street pavement mill and overlay work. Also, for cost efficiency and to encourage the installation of broadband infrastructure, the City encourages conduit for fiber optic cable be installed when street cuts are made to install and repair other infrastructure within the public right-of-way.

Issue and Discussion:

Installing fiber optic cables can be expensive, time consuming and complicated to implement. The high cost of construction can create impediments for broadband communications service providers.

While overhead construction methods, requiring attachments to utility poles, are generally less expensive than underground construction, overhead installation may have significant drawbacks including the capacity of existing utility poles in more crowded areas, and greater exposure to outside conditions.

Underground construction generally provides a durable long-term communications infrastructure but is also typically more expensive than overhead utilities installation. Additionally, cutting roads and sidewalks substantially reduces the lifetime and performance of those surfaces, and each excavation diminishes the space available for future infrastructure.

Accordingly, encouraging or requiring simultaneous underground construction and co-location of broadband infrastructure in the public right-of-way creates benefits for both the community and private sector communications providers. A dig once policy reduces the long-term cost of building communications facilities by capitalizing on significant economies of scale through:

1. Coordination of fiber and conduit construction with utility construction and/or other construction activities in the public right-of-way.
2. Construction of spare conduit capacity where multiple service providers or entities may require infrastructure.

These economies exist primarily because fiber optic cables and conduit are relatively inexpensive, often contributing to less than one-quarter of the total cost of new construction. Another motivation for coordinating construction is to take the opportunity to build multiple conduits in a closely packed bank or duct bank. Banks of conduit constructed simultaneously allow a single excavation to place several conduits in the physical space usually used by one or two. Conversely, multiple conduit installed at different times must be physically spaced, often by several feet, to prevent damage to one while installing the next. Once the public right-of-way becomes crowded, future installation options become more difficult and costly.

The key benefits achieved through coordinated construction efforts include reduced costs for:

- Labor and material, through reduced crew mobilization expenses and larger bulk material purchases;

- Trenching or boring, when coordination enables lower-cost methods (e.g., trenching as opposed to boring) or allows multiple entities to share a common trench or bore for their independent purposes;
- Traffic control and safety personnel, particularly when constructing along roadways that require lane closures;
- Engineering and surveys associated with locating existing utilities and specifying the placement of new facilities;
- Engineering and surveys associated with environmental impact studies and approvals;
- Restoration to the public right-of-way or roadway, particularly in conjunction with roadway improvements

While there is a clear benefit to utilizing concurrent construction opportunities for the installation of fiber optic conduit it will be useful to identify the most effective fiber optic installation map to best serve the community.

Financial Implications:

The current fiscal impacts associated with the policy are the costs associated with staff time to prepare the policy and staff report. Future fiscal impacts may include the cost of installing underground fiber optic communication conduits.

Environmental Considerations:

There are no environmental implications related to the adoption of this policy document.

Policy Implications:

This policy will facilitate collaboration and coordination between the City and its agency and utility partners and encourage the installation of infrastructure to accommodate broadband within the City which is vital for communication, education, and economic development.



City of South Lake Tahoe

City Council Policy

Title: Dig Once Policy for City Rights-of-Way

Purpose: The purpose of this policy is to encourage coordination between the City, utilities, and telecommunication service providers for installing and repairing infrastructure within City rights-of-way to minimize damage to City streets, traffic safety concerns, and inconvenience to the community. This policy would also facilitate installation of infrastructure to accommodate broadband within the City which is vital for communication, education, and economic development.

Background: The City is developing a regular street repair program and initially anticipates having funding to resurface approximately 3 miles of City streets per year. At the same time, Southwest Gas is undertaking a major multi-year project to replace vintage steel gas lines within City rights-of-way throughout the City. Other utilities, including Liberty Utilities, South Tahoe Public Utilities District, Lukins Brothers Water Company, Inc., TKPOA Water Department and Lakeside Park Mutual Water Company also have infrastructure within City rights-of-way. Additionally, Charter Communications, Inc. has cable, telephone, and internet infrastructure in the right-of-way, and it is anticipated that telecommunication service providers will need to install fiber optic cable within City right-of-way to improve broadband capabilities within the City. Some of these entities operate under franchise agreements with the City and others do not.

The City's Public Improvement and Engineering Standards (PIES) require a full-width traffic lane pavement surface grinding and asphalt overlay where trenching work extends 250 feet or more. For cost efficiency and consistency in road repairs, the City would prefer the entity performing the street cut instead repair the trench with a permanent patch and reimburse the City for the cost of the required street pavement grinding and overlay work. Also, for cost efficiency and to encourage the installation of broadband infrastructure, the City desires to encourage that conduit for fiber optic cable be installed when street cuts are made to install and repair other infrastructure within the City's rights-of-way.

Policy:

1. Annually by February 1st, the City Public Works Director shall notify the entities with infrastructure within City rights-of-way of the City streets anticipated to be reconstructed, resurfaced, or slurry sealed that year and shall request that those entities coordinate their annual installation and repair plans with the City's, to avoid street cuts on newly reconstructed, resurfaced, or slurry sealed streets. A review of the 5-year plan will also be conducted for planning purposes.
2. Except in the case of an emergency, the City discourages entities from making street cuts to City streets that have been reconstructed or resurfaced within the previous five years, or City streets that have been slurry sealed in the previous three years.

3. The City encourages entities making street cuts to install conduit for fiber optic cable while the street is opened up. At a minimum, the Public Works Director shall notify (or require an applicant for such work to notify) all known telecommunication service providers of an impending excavation to provide an opportunity to use the excavation to install, upgrade, co-locate, repair, or improve telecommunication facilities during such an excavation project.
4. The City encourages telecommunication service providers to size conduits to accommodate multiple providers, so that excess conduit capacity may be leased to other telecommunication service providers.
5. The Public Works Director may negotiate an agreement, to be brought to City Council for approval, with one or more entities having infrastructure within City rights-of-way to set forth details regarding coordination of repairs within City rights-of-way, and reimbursement from the entity for PIES-required street pavement grinding and overlay work, and payment for installation of conduit for fiber optic cable.
6. The City Public Works Director shall identify Capital Improvement Projects within City property where infrastructure can be installed to accommodate or support the provision of broadband services within the City. Such projects may include new street, sidewalk, bike path, trail, or other transportation infrastructure construction, reconstruction, or maintenance.
7. Once the Public Works Director has determined that a project has the potential to include installation of underground broadband infrastructure, the Public Works Department shall include it as a separate component of the project, and City Council will determine whether sufficient funding exists or should be allocated for the cost of the installation.
8. Applicants for encroachment permits for broadband, communications, and utility infrastructure shall provide drawings of the routes and facilities to be installed or repaired in an ArcGIS-compatible electronic format. The Public Works Director shall cause such data to be catalogued into the City's geographic information system (GIS).

Resolution 2020-XXX

Adopted by the City of South Lake Tahoe
City Council

June 23, 2020

Adopting City of South Lake Tahoe Policy Document Regarding Dig Once in Public Rights-of-Way

BACKGROUND

- A. The 21st-Century economy is dependent upon affordable, high-speed internet access that encourages competition and enables the entire community to access the internet and compete in the world-market with gigabit fiber infrastructure.
- B. Access to modern telecommunications infrastructure is vital for communication, education and economic development.
- C. The City of South Lake Tahoe has an interest in preserving its streets and roadways for their intended purpose and minimizing interruptions to the flow of traffic.
- D. The City of South Lake Tahoe is pursuing potential broadband infrastructure opportunities that advance the economic and community benefits of a robust broadband infrastructure for the community.
- E. A dig-once policy is the first pivotal step to help streamline broadband infrastructure improvements when any entity is proposing to open streets and rights-of-way for utility construction, cost efficiencies can be realized because multiple entities can join in the single dig, reducing costs as well as reducing disruption to the road surface.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, BE IT RESOLVED, that
the City Council of the City of South Lake Tahoe:

1. Hereby adopts the South Lake Tahoe Policy Document (attached) regarding Dig Once in public rights-of-way.

Adopted by the City of South Lake Tahoe City Council on June 23, 2020 by the following vote:

Yes:

No:

Absent:

Abstain:

Jason Collin, Mayor

Date: _____

Attest:

Susan Blankenship, City Clerk

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the South Lake Tahoe City Council.

City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: June 23, 2020

Agenda Item #: 10.



Agenda Item: Agenda Planning Calendar

Executive Summary:

Requested Action / Suggested Motions: identify, with consent of at least two Council members, any desired future agenda items, and/or modify the Agenda Planning Calendar as desired.

Responsible Staff Member: Joe Irvin, City Manager

Responsible Staff Member:

Reviewed and Approved By:

Attachments:

[APC - June 18, 2020.pdf](#)

Agenda Planning Calendar 2020

Updated
06/17/2020

Meeting Date	Department	Agenda Item	Agenda Section
July 14, 2020	Admin Services	Monthly Financial Report	NB
		Business License Fee Waiver	NB
	City Attorney	Response to Grand Jury Reports	NB
	City Clerk	Employee Recognitions	Recognition
	City Manager	COVID-19	UB
	Dev Services	56-Acre Master Plan Grant Award Acceptance – CTC	NB
		Award of 56 Acres Master Plan Design Contract	NB
		Permanent Local Housing Allocation Grant	Consent
		Riverside Lots Conceptual Plans	NB
		Emergency communications proposals	NB
	Fire		
	Recreation	Special Events	UB
July 28, 2020	Admin Services	Monthly Financial Report	
	City Attorney	Lakeview Commons - Free Speech Location	
	City Attny/Dev. Svcs	Pacific Development Group development agreement	NB
	City Manager	COVID-19	
	Public Works	Award of Design Contract for new Rec / Swim / Senior Center	

Agenda Planning Calendar 2020

Updated
06/17/2020

Aug. 11, 2020	Admin Services	Monthly Financial Report
	City Clerk	Employee Recognitions
		Election of Mayor/Mayor Pro-Tem
	City Manager	COVID-19
	Police	Body-worn camera implementation
	Public Works	5-Year CIP
Aug. 25, 2020 Budget Workshop		
	All Departments	Budget Review
Unscheduled/Pending		
	Admin Services	Financial transparency tools
		POA Side Letter
		Outside grant assistance
		IT security, overall strategy
		Grant funding – underground power lines?
		Prop 68 Competitive Grant Application – Recreation and Swim Complex
		Purchasing / procurement policy revisions
		South Lake Tahoe Tourism Improvement District

Agenda Planning Calendar 2020

Updated
06/17/2020

City Attorney	Potential revenue ballot measure
	Eminent domain resolution – US 50 SSCR
	Plastic Bag Ordinance Update (first reading)
City Attny/Pub Works	Undergrounding Utilities
	Amendments to Small Cell Policy
City Clerk	Records Management Policy (Updated)
	Ordinance Increasing City Council (Treasurer) Compensation
	Conflict of Interest Code Update (before end 2020)
City Attny/City Mngr	Formal agreement with El Dorado County for 56-Acres
City Manager	New Fire / Ambulance Station Agreement with El Dorado County
	Potential new City slogan
	Customer satisfaction survey(s)
	California news broadcast in SLT
	Economic Development Strategy
	Economic Study of Measure T Impacts
	Presentation – One Tahoe Transportation Funding Initiative
Dev Services	SRO program amendments

Agenda Planning Calendar 2020

Updated
06/17/2020

	Fast food restaurant prohibition
	Inclusionary housing ordinance
	RFP for consulting firms for Bijou / Al Tahoe (plus expanded area) Area Plan
	City Housing Action Plan
	Ordinance 1134 CA Building Code Standards Update
	Six-month Review of Development Rights Price Point
Fire	FireWise community status
	Fire Department Annual Update
Police	Police Department Annual Update
	Take-home vehicle policy
Public Works	Transit discussion - City's role
	2020 Street Rehabilitation Program / Contract
	Bellamy Court parking improvements
	Ice Arena fire suppression system
	Sidewalks – Bijou Elementary School / Spruce Avenue
	Woodbine Avenue property purchase
	Commercial trash removal

Agenda Planning Calendar 2020

Updated
06/17/2020

Hangar Taxi Lane Loan Acceptance

Award Engineering and Construction Contract South Hangar Taxi Lane Rehab

Al Tahoe yield signs, STOP signs

Updates to solid waste ordinance

Recreation

Recreation Manager position change

Children's Memorial Tree

Updated position classifications – temporary employees

Bijou Park Master Plan